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MESSAGES AND PROCLAMATIONS

OF THE

GOVERNORS OF IOWA

STATE HISTORICAL SOCIETY
IOWA

THE

MESSAGES AND PROCLAMATIONS

OF THE

GOVERNORS OF IOWA

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VOLUME II

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PREFACE

The messages and proclamations of the Governors of Iowa which are included in this volume are from one of the most noteworthy periods in the political history of the Commonwealth. The election of James W. Grimes in 1854, the organization of the Republican Party in 1856, the adoption of the Constitution in 1857, the call for volunteers in 1861, and the loyal support of the Union during the Civil War give to the administrations of Grimes, Lowe, and Kirkwood an interest and importance unsurpassed by any other three successive administrations in our political history.

The place which Grimes and Kirkwood occupy in the political history of the Nation also adds to the interest of these pages. No one can read the messages and proclamations of Governor Grimes and Governor Kirkwood without concluding that these men were indeed statesmen. The messages and proclamations of Governor Kirkwood are of special interest since they cover the most critical years of the Civil War. Without the materials included in this volume the history of Iowa in the Civil War cannot be written.

BENJ. F. SHAMBAUGH

IOWA CITY, 1903

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GOVERNOR JAMES WILSON GRIMES

BIOGRAPHICAL SKETCH

James Wilson Grimes, the third Governor of the State of Iowa, was born in the town of Deering, Hillsborough County, New Hampshire, on October 20, 1816. His grand parents were among the patriots of the American Revolution. James was the youngest of a family of eight children. He entered Dartmouth College in August, 1832, and left that institution in February, 1835.

In 1836 he left home for the West. He arrived at the town of Burlington on the west bank of the Mississippi, in what was then the Territory of Michigan, on the fifteenth of May. In September of the same year he attended a council of the chiefs and braves of the Sac and Fox Indians held at Rock Island. Here he acted as Secretary of the United States commission upon appointment by Governor Henry Dodge of Wisconsin Territory.

In February, 1837, he was admitted to the practice of law in the Territory of Wisconsin, and in the same year he was appointed City Solicitor for Burlington. During the winter of 1837–38 he was employed as assistant in the Territorial library. By Governor Henry Dodge he was appointed Justice of the Peace.

Mr. Grimes was a member of the House of Representatives of the First Legislative Assembly of the Territory of Iowa. He occupied the same position in the Sixth Legislative Assembly of the Territory. Nine years later he

was a member of the Fourth General Assembly of the State of Iowa.

On November 9, 1846, Mr. Grimes was married, at Burlington, to Elizabeth Sarah Nealley. Many of the letters to his wife written during their married life have been published in Salter's *Life of James W. Grimes.*

In 1854, Mr. Grimes was nominated by the Whigs of Iowa for the office of Governor. He was elected in August; and on December 9, 1854, he took the oath of office. He remained in this office for the term of three years, that is, from December, 1854, to January, 1858. When the Republican party was organized in 1856 he became one of its most active supporters. He is sometimes called the "Father of Republicanism in Iowa."

In 1859 he was elected to a seat in the United States Senate. His first term as Senator began March 4, 1859. He was reëlected to succeed himself in 1865. In 1868 he voted NOT GUILTY in the case of the impeachment of Andrew Johnson. Impaired health led him to resign his seat in the Senate in 1869. He died at Burlington, Iowa, on February 7, 1872.

BIBLIOGRAPHICAL NOTE.—*The Life of James W. Grimes*, by William Salter. *Iowa Historical Record*, Vol. IV, p. 38; Vol. VIII, pp. 337, 354. *Annals of Iowa*, 1st Series, Vol. III, p. 607; Vol. XI, p. 460. *Annals of Iowa*, 3d Series, Vol. I, pp. 225, 476, 491, 505, 574; Vol. II, pp. 400, 627; Vol. III, p. 135; Vol. IV, pp. 131, 133, 304, 306, 482.

INAUGURAL ADDRESS

DECEMBER 9, 1854

From the Journal of the House of Representatives, p. 42

Gentlemen of the Senate, and House of Representatives:

Having now, in your presence, assumed the duties of the office to which I have been elevated by the suffrages of my fellow-citizens, it becomes my duty, under the Constitution, to call your attention to such subjects as I believe demand your consideration.

No one, however connected with legislation, can too highly estimate the responsibilities of his position. He can not feel too deeply the delicacy of his labors, and his ignorance of the complicated structure and conflicting interests of society, over which he is called to exercise control. To legislate is the noblest employment in which he can be engaged, and the most difficult of satisfactory execution.

It is so everywhere, but it is peculiarly so in a new and growing State, where the population is drawn from all parts of the civilized globe, where the public policy and public institutions are just being established, and where different portions of the State are in different conditions of progress and development. It is a difficult task to protect and advance the pioneer interests of our western settlements, and also encourage, and establish on a substantial basis, the commercial and manufacturing interests of the old counties, by general laws, that shall operate equally and beneficently

upon all. It is not an easy matter to lay strong and deep the foundations of the educational institutions of a new State, and to rear thereon superstructures, that shall honor the State and bless mankind. The duty of restoring reason to those who are bereft of it, of giving sight to the blind and hearing to the deaf, by the establishment and proper endowment of charitable institutions; of repressing evil; of punishing crime; of stimulating industry; of protecting public virtue, and of maintaining the integrity of the State sovereignty, cannot be exercised without incurring grave responsibilities.

Government is established for the protection of the governed. But that protection does not consist merely in the enforcement of laws against injury to the person and property. Men do not make a voluntary abnegation of their natural rights, simply that those rights may be protected by the body politic. It reaches more vital interests than those of property. Its greatest object is to elevate and ennoble the citizen. It would fall far short of its design if it did not disseminate intelligence and build up the moral energies of the people. It is organized "to establish justice, promote the public welfare and secure the blessings of liberty." It is designed to foster the instincts of truth, justice and philanthropy, that are implanted in our very natures, and from which all constitutions and all laws derive their validity and value. It should afford moral as well as physical protection, by educating the rising generation; by encouraging industry and sobriety; by steadfastly adhering to the right, and by being ever true to the instincts of freedom and humanity.

To accomplish these high aims of government, the first requisite is ample provision for the education of the youth of the State. The common school fund of the State should be scrupulously preserved, and a more efficient system of common schools than we now have should be adopted. The State should see to it that the elements of education, like the elements of universal nature, are above, around, and beneath all.

It is agreed that the safety and perpetuity of our republican institutions depends upon the diffusion of intelligence among the masses of the people. The statistics of the penitentiaries and alms-houses throughout the country, abundantly show, that education is the best preventive of pauperism and crime. They show, also, that the prevention of those evils is much less expensive than the punishment of the one, and the relief of the other. Education, too, is the great equalizer of human conditions. It places the poor on an equality with the rich. It subjects the appetites and passions of the rich to the restraints of reason and conscience, and thus prepares each for a career of usefulness and honor. Every consideration, therefore, of duty and policy, impels us to sustain the common schools of the State in the highest possible efficiency.

I am convinced that the public schools should be supported by taxation of property, and that the present *rate* system should be abolished. Under the present system of a *per capita* tax upon the scholars, the children of the poor are in a measure excluded from the benefit of the schools, whilst the children of the opulent are withdrawn from them to be educated in private institutions. Property is the only

legitimate subject of taxation. It has its duties, as well as its rights. It needs the conservative influences of education, and should be made to pay for its own protection.

I suggest the propriety of establishing in each school district in the State, a district school library. I believe that an act appropriating to each district a small sum of money for this purpose, provided the district would appropriate an equal amount, would be received by the people with the highest satisfaction. It would establish in each district complying with the provisions of the act, a *nucleus*, around which in a few years would be gathered respectable libraries that would be accessible to all. These libraries would be great aids in the diffusion of general intelligence.

I am not informed of the amount or condition of the University fund of the State. It is known, however, that a munificent grant of land was made by Congress for the establishment of a seminary of learning; that a large part of those lands has been sold, and that the proceeds have never been applied to any specific use, except the sum of five thousand dollars heretofore granted to the Medical School at Keokuk. I think the time has come when steps should be taken to carry out the design of Congress in making the grant. If the State can ever establish an institution of learning, it can be done under as favourable auspices now, as at any future time. I do not believe it to be sound policy to establish a literary institution that shall come into rivalry with the various denominational colleges now struggling into existence. Those institutions should be encouraged, and not depressed. They can and will educate the young men who wish to enter the professions of

law, physic and divinity. But the State has a greater want, than of lawyers and doctors. She wants educated farmers and mechanics, engineers, architects, chemists, metallurgists and geologists. She needs men engaged in the practical duties of life, who have conquered their professions, and who are able to impart their knowledge to others. She wants farmers who shall be familiar with the principles of chemistry, as applied to agriculture; architects and mechanics, who will adorn her with edifices worthy of so fair a land; and engineers and geologists who will develop her resources, and thus augment the wealth and happiness of her citizens. This want can only be supplied by the establishment of a school of applied sciences. I have no hesitation, therefore, in recommending that the University fund be appropriated to establish a practical scientific or polytechnic school.

The State and County agricultural societies are doing much to improve agriculture and the industrial arts, and deserve encouragement from the government.

The General Assembly cannot be too urgently called on to take immediate steps to establish State charitable institutions. According to the most reliable information, there are now more than one hundred pauper insane persons in the State. One half of these are confined in the common jails, and are thus placed beyond even a reasonable expectation of recovery; the other moiety are roaming at large, a terror to their friends and neighbors, and by exposure to exciting causes rendering their disease hopelessly incurable. Every dictate of humanity—every principle of sound public policy—demands, that the State should make immediate

provision for the care and treatment of this unfortunate class of our fellow citizens.

There can be no question of a desire on the part of the people of the State, that their constitution should be amended. It is needless at this time to allude to the arguments that may be urged in favor of a change in that instrument. The amendments can only be made by a constitutional convention. The only question now presented, is, Shall the people have the privilege of determining for themselves, at the ballot box, whether they want a revision and amendment at all? Not a single valid argument can be urged against this proposition. A submission of the question of revision to the people can be attended with no expense, for, according to the Constitution, it must be done at a general election. If the decision, therefore, is against revision, the State will sustain no injury; if in favor of it, the genuine doctrine of popular sovereignty will be vindicated.

There is a strong public sentiment in favor of a radical change of the present laws regulating the manufacture and sale of intoxicating liquors. Every friend of humanity earnestly desires that something may be done to dry up the streams of bitterness that this traffic now pours over the land. I have no doubt that a prohibitory law may be enacted, that will avoid all constitutional objections, and meet the approval of a vast majority of the people of the State.

The public mind has been, and is now, greatly excited on the subject of slavery in the territories of the United States. At the last session of Congress, that solemn compact, known

as the Missouri Compromise, which had existed more than thirty years, without any attempt to disturb it—which was passed at the instance of the South—and which the people of the whole country have been taught by the great expounders of the Constitution, to regard as inviolable as the most sacred provisions of that instrument itself,—was repealed. By that compromise, all that portion of the original territory of Louisiana that lay north of the parallel of 36 degrees 30 minutes, was forever dedicated to freedom. By its repeal, it is attempted to subject that vast domain to the withering influences of African slavery.

This only compromise that favored freedom, was ruthlessly violated by the very men who were most clamorous for the maintenance of every compromise that favored slavery. It was done in defiance of the remonstrance of the people, and by a palpable violation of parliamentary rules. The motive with which it was done is apparent. Whilst its few supporters in the North attempt to justify the act, and shield the perpetrators from reproach, by appealing to the doctrine of *popular sovereignty*, its principal supporters in the South utterly repudiate that doctrine, and openly avow that they will never submit to it. The primary motive was to extend the area of slave territory, and thus give a political supremacy to the slave-holding States, by virtue of representation of slave property.

The federal government was established "to secure the blessings of liberty," and not to perpetuate and extend human bondage. Its founders intended to confine slavery to its then existing limits. It was with this settled conviction of the policy of the government, and with the universal

opinion, moreover, that new territory could not be acquired by purchase, that the several States consented to that provision of the Constitution, which allows three-fifths of the slave population of the country to be enumerated, as the basis of representation in the electoral colleges, and in the House of Representatives. But, without any change of the Constitution, the whole policy of the government seems to be changed on this subject. Vast territories have been acquired. Five new slave States have been admitted into the Union from territory purchased with the common treasure of the country. The number of slaves has increased from 697,897, in 1790, to 3,204,313 in 1850, now represented by twenty-one votes in the electoral colleges and in Congress.

I trust that there is no citizen of Iowa, who desires the general government to interfere with slavery in the States of this Union. It is a local institution, and to the States that maintain it, belong its responsibilities and its perils. But whilst the people of the North should scrupulously regard the rights of others, they should manfully maintain their own. They are recreant to their own interests; they betray the rights of their posterity; they give a fatal blow to the principles of free and equal government, when they consent to the creation of new slave States and a consequent further representation of slave property.

The removal of that great landmark of freedom, the Missouri Compromise line—when it had been sacredly observed until slavery had acquired every inch of soil south of it, has presented the aggressive character of that system broadly before the country. It has shown that all compromises

with slavery, that are designed to favor freedom, are mere ropes of sand, to be broken by the first wave of passion or interest that may roll from the South. It has forced upon the country an issue between free labor, political equality and manhood on the one hand; and on the other, slave labor, political degradation and wrong. It becomes the people of the free States to meet that issue resolutely, calmly, and with a sense of the momentous consequences that will flow from its decision. To every elector, in view of that issue, might appropriately be applied the injunction anciently addressed to the Jewish King: "Be strong, and shew thyself a man."

It is both the interest and duty of the free States to prevent the increase and extension of the slave element of power, by every constitutional means. To do so successfully, they must adhere to the principles of the founders of the Republic. In the view of those principles, slavery is a local institution, depending wholly on State laws for its existence and continuance. Freedom being the natural condition of all men; and no authority being delegated to the general government to establish or protect slavery, Congress can pass no law establishing or protecting it in the territories. If Congress can pass no such law, much less can it delegate such authority to the territorial legislatures, over whose acts it has ever exercised a supervisory and restraining power. By a wide departure from constitutional principles, slavery has been tolerated in some of the territories. Let such toleration forever cease. Let the government be brought back to its original purity. Let the principle be authoritatively announced and persistently adhered to, that there can be no slavery outside of State sovereignties. Let the government,

in all its relations, be divorced from the system, and the agitation of this subject will cease, the conscience of the North will be quieted, and the rights of the people of the South fully sustained. It is only by an entire disconnection of the general government from the institution of slavery, that the people of the free States can find safety and honor. In no other way can they maintain their political equality, and stand acquitted before the bar of an enlightened public sentiment.

It becomes the State of Iowa,—the only free child of the Missouri Compromise,—to let the world know, that she values the blessings that compromise has secured to her, and that she will never consent to become a party to the nationalization of slavery.

I desire to co-operate with the General Assembly in every measure that may tend to promote the prosperity of the State.

I trust that our mutual counsels will be characterized by calmness and prudence; and I devoutly pray, that in our respective spheres, we may be guided by "that wisdom which is from above."

[James W. Grimes]

SPECIAL SESSION MESSAGE

JULY 3, 1856

From the Journal of the House of Representatives, p. 10

Gentlemen of the Senate, and House of Representatives:

By an act of Congress, approved May 15th, 1856, there was "granted to the State of Iowa, for the purpose of aiding in the construction of Rail Roads, from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of the Platte river; from the city of Davenport via Iowa City and Fort Desmoines, to Council Bluffs; from Lyons city, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Rail Road, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the said State, to the Missouri river; from the city of Dubuque, to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land designated by odd numbers, for six sections in width on each side of said roads."

The act provides, that if it shall appear, when the lines of said roads are definitely fixed, that the United States have sold any sections or parts of sections so granted, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed

by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-emption have attached, as aforesaid.

On the 10th of May last, all the lands lying within the probable limits of the grant, were withdrawn from market, and there is now an entire suspension of business in all of the United States Land Offices in the State, except in those at Decorah and Fort Dodge. The interests of the State require that the lands not embraced within the grant, should be opened to purchase and settlement, at as early a day as practicable. Under the construction of the Commissioner of the General Land Office, the title of the State does not vest in the alternate sections until the several lines of roads have been surveyed and maps of their location properly certified and returned to his office. He has therefore urged upon me the necessity, that the State take immediate measures to secure the lands granted, by an early compliance with the provisions of the act of Congress, and with the instructions of his department.

Hence I have convened you, gentlemen, in special session, that you may determine,

1st. Whether or not the State shall accept the grant made under the 15th of May last, and if so,

2d. Whether the lands granted shall be transferred to any specific railroad companies, and if so, to what companies they shall be transferred, and

3d. Upon what terms shall the transfer be made.

My experience in matters of this kind has been so limited, that I am not prepared to submit to you any plan for the proper disposal of these lands. Your wisdom will doubtless mature a system which, while it promotes the present material interests of the State by developing its resources and advancing its settlement by the construction of lines of inter-communication, will protect the people against the sometimes oppressive monopolizing tendencies of powerful corporations.

Your session will be limited under the Constitution to a short period, and I shall therefore call your attention to only a few subjects, that seem to me of importance and which will not be calculated to excite debate and thereby protract your session.

I am unable to lay before you a statement of the financial condition of the State. The fiscal year has not expired, and the accounts of the Auditor and Treasurer have not been balanced and rendered.

The bonds of the State issued in 1846, for $55,000, mature on the 1st January next, in New York, and some provision should be made for their payment.

The introduction of Rail Roads within the State has rendered necessary an act more clearly defining the rights, duties and liabilities of railway companies. The law should declare that where *death* is caused through negligence or misconduct of the agents or servants of such companies, the same remedies shall be open in a suit at law, as for like injuries to the person resulting in disability and not in death. Among other things, the speed of trains passing through cities, and villages and across highways, should be

regulated by law, and the disasters that have occurred in a neighboring State, have admonished us of the necessity for a law, prohibiting a company from carrying passengers over a new road, until it has first been examined and pronounced safe by a competent and disinterested Board of Engineers. It is evidently as much the duty of the State to protect the lives and safety of the citizens from accidents, resulting from carelessness, misconduct or cupidity, as from open and premeditated violence.

In the month of August, 1855, the workshops, attached to the State Penitentiary, were consumed by fire. The Inspectors immediately made arrangements for their speedy re-construction, for which they were compelled to contract an indebtedness against the Institution of about $2,900.00. Provision should be made for discharging that indebtedness, as well as for the completion of an additional number of cells. The Penitentiary is now crowded with convicts to its utmost capacity.

The Constitution confers upon the Governor of the State, "the power to grant reprieves and pardons and commute punishments after convictions," for offences against the laws. In a large proportion of cases, the friends of the persons convicted, endeavor to procure the exercise of this power; and as few, if any, of the judges preserve minutes of the testimony taken on the trial of criminal causes, these efforts are, for the most part, based upon *ex-parte* statements, made without the sanction of an oath, and obtained without notice to the Prosecuting Attorney, or other person representing the government. It is frequently alleged that there was error in the trial; that the judge mistook the law; that

there was a mistake of fact by the jury; that there is newly-discovered evidence, showing the sentence to be unjust; or that the case, although within the letter of the law, was not within the spirit of it.

The interests of society require that this great power should be exercised with humanity, but at the same time with the greatest discrimination and caution. Justice to the officer who is compelled to investigate each case presented to him, as well as to the parties more immediately interested, requires that every fact proved upon the trial, should be accessible to him, to the condemned and to the prosecutors. I therefore recommend that the judges of the several District Courts, be required to reduce the evidence given in all criminal cases to writing, to be preserved as a permanent record in the county where the trial was held;—and that before any application shall be made to the Governor for pardon, a notice of the time and place, when and where the application will be presented, shall be served upon the Prosecuting Attorney of the county where the offence was committed.

It is to be regretted that the joint resolutions, passed by the House of Representatives, at each of its two last sessions, authorizing a revision, by a Board of Commissioners, of the laws in relation to schools and school lands, failed to receive the approval of the Senate. No one, who gives the subject a moment's consideration, can doubt the necessity for a thorough revision of the whole subject. With a large and constantly increasing school fund, our school system is without unity and efficiency, and is, in my conviction, discreditable to the State. It reaches so many interests, it runs into

so many details, and it is so important in its influences, that it seems to me impossible for the General Assembly to perfect the necessary amendments and reduce them to a harmonious system, in the limited period of fifty days—and I, therefore, recommend that three competent persons be selected to revise all the laws on the subject, and submit their revision to the next General Assembly. Should you, however, not deem this advisable, I then submit, that it is expedient at once to divest the Superintendent of Public Instruction of all control over and responsibility for the school money and school lands. When his office was created, it was never contemplated that the Superintendent should be burdened with the custody of public monies, with the sale of public lands, and with the revision of the acts of eighty School Fund Commissioners. It was designed that he should have charge of the instruction of the State and not of the money of the State; it was intended that he should keep alive the public interest on the subject of education; that he should hold teachers' institutes in the several counties; that he should determine the text books to be used in the public schools, and that he should settle all appeals growing out of the management of the numerous districts. The *legitimate* duties of a Superintendent are sufficiently onerous to engage the attention of one man.

The subject of the Des Moines River Improvement is entitled to more consideration than it has heretofore received.

A contract was made between the agents of the State and a company of gentlemen for the prosecution of the work, by which the navigation of the river was to be completed in the year 1858, and for which the company were to receive Des

Moines river lands at $1.25 per acre. It is reported that this contract has been materially changed during the past year, but by what authority and in what manner, I am not informed. Although the grant to the State has never been finally adjusted by the Department at Washington, yet certificates have been issued to the company by the State officers connected with the improvement, to the effect that the company is entitled to about 200,000 acres of land along the river, which lands the company now proposes to sell. I am informed that many of the tracts, described in these certificates, are claimed by the State as school lands, and that many others have been already sold and patented by the General Government to actual residents thereon. It will be seen that the issuance of these certificates will entail great trouble, and perhaps litigation, upon individuals and upon the State, and no more should be allowed to issue until the grant is finally adjusted by the Secretary of the Interior, and the title vested in the State.

I have received seventeen hundred and ninety muskets, fifty Colt's revolvers, and two six-pound field pieces from the General Government for the use of the State. The two field pieces I have issued to independent, uniformed, artillery companies, at Keokuk and Davenport, taking approved bonds for their re-delivery to the State authorities in good condition, whenever called for. Some of the revolvers are needed at the Penitentiary, and military companies in the State are anxious to obtain the muskets. There is no law under which they can be issued, and if it is the desire of the General Assembly that they should be distributed to such companies, an enactment to that effect is

required. If they are not to be issued in that manner, then some provision should be made for their safe keeping.

Concurring in the general desire that your session may be short, and that your time may be occupied solely by matters relating to the State, I do not deem it proper at present to call your attention at length to the deplorable condition of affairs in Kansas and at our National Capital. It would be an error to suppose that my failure to do so is attributable to any want of sympathy with the patriotic and devoted men, who are struggling to uphold the rights of free speech, free labor, free soil and a free press in that territory, and in the councils of the nation.

JAMES W. GRIMES.

IOWA CITY, JULY 3rd, 1856.

FIRST BIENNIAL MESSAGE

DECEMBER 2, 1856

From the Journal of the House of Representatives, p. 14

Gentlemen of the Senate, and House of Representatives:

The progress of the State, during the past two years has been extraordinary, and in many respects, unexampled. In population, in wealth, in productive power, in educational facilities, the advance has been such as to astound the doubtful and to surprise the most sanguine. Iowa occupies a proud position, and with wise legislation a glorious destiny awaits her. You are called to assist in shaping that destiny, and to aid in laying the foundations of a future empire. It is impossible to be too deeply impressed with the responsibility and delicacy of the great trust confided to you.

STATE STATISTICS.

An enumeration of the inhabitants of the State, and of her productive resources, was taken in June last, as required by the Constitution. It is somewhat defective; two counties and several townships in other counties not having been returned at all, whilst in almost all the counties there are very great omissions. Many townships and some counties are returned without any statistics, save those in relation to population. Such will always be the case so long as the census shall be taken by township assessors, instead of being taken by marshals, to be appointed by the Census Board.

The census returns show that the State had increased in population from June, 1854, to June, 1856, from 326,014, to 503,625.

The following statement will show the increase of population since the settlement of what is now the State:

Population in	1836,	10,531
do	1838,	12,849
do	1840,	43,116
do	1844,	71,650
do	1846,	78,988
do	1847,	116,204
do	1849,	130,945
do	1850,	192,204
do	1854,	326,014
do	1856,	503,635

The population of the State is probably, at this time, not far from 600,000. The vote polled on the 4th day of November last reached 92,644, and indicates the truth of this supposition.

The following table shows the annual increase of the value of assessable property in the State during the past six years:

In 1851,	the assessable	value was,	$ 28,464,550
1852,	do	do	38,427,376
1853,	do	do	49,540,304
1854,	do	do	72,327,204
1855,	do	do	106,895,390
1856,	do	do	164,194,413

As the census returns may not be published before your limited session will expire, I present a summary of some of the most important facts disclosed by it:

No. of	dwellings in the State in June last,		83,455
do	families, do	do	89,161
do	White male persons,	do	267,929
do	do female do	do	235,425
do	Colored persons,	do	271
do	Married do	do	166,312
do	Widowed do	do	10,997
do	Native voters,	do	86,781
do	Naturalized voters,	do	14,456
do	Aliens,	do	15,104
do	Militia,	do	92,262
do	Deaf and Dumb,	do	871
do	Blind,	do	102
do	Insane,	do	120
do	Idiotic,	do	257
do	Owners of land,	do	66,716
do	Paupers,	do	132
do	Acres of improved land,	do	2,343,958
do	do unimproved do	do	6,443,871
do	do Meadow do	do	140,242
do	Tons of hay produced,	do	223,234
do	Bu. grass seed harvested,	do	20,789
do	Acres spring wheat,	do	345,518
do	Bushels harvested,	do	4,972,639
do	Acres of winter wheat,	do	41,043
do	Bushels harvested,	do	495,703
do	Acres of oats,	do	190,158

No. of Bushels harvested in June last,			6,054,341
do	Acres of corn,	do	632,803
do	Bushels harvested,	do	30,985,127
do	Acres of potatoes,	do	180,041
do	Bushels harvested,	do	2,013,408
do	Hogs sold,	do	402,676
do	Value hogs sold,	do	3,119,378
do	Cattle sold,	do	125,000
do	Value cattle sold,	do	2,904,563
do	Pounds of butter made,	do	6,075,739
do	Pounds of cheese,	do	729,852
do	Pounds of wool produced,	do	515,808
Value of domestic manufactures,		do	$ 438,321
do	general do	do	4,684,461
do	lead produced,	do	213,000

FINANCES OF THE STATE.

Accompanying this you will receive the biennial report of the Treasurer of State.

The amount in the treasury on the 31st Oct. 1854, was,....	$ 10,006.86	
There was paid into the treasury from 31st Oct., 1854, to 31st Oct., 1856, ...	250,399.45	
Making a total receipts of	————	$260,406.31
There was paid out upon the Auditor's warrants from 31st Oct., 1854 to 31st Oct., 1856,		249,149.85
Leaving a balance in the treasury, on the 31st of Oct. last, of,		11,156.46

There was in the treasury of moneys arising from the sale of Saline Lands on the 31st Nov., 1854, ...	5,515.70	
There has been received from that date until the 1st Nov., 1856, ...	9,921.11	
Making of this fund received, ...		$ 15,436.81
There has been paid out upon the order of the commissioners of the Insane Asylum, ..	$ 8,000.00	
There has been loaned upon the order of the same commissioners, ...	6,480.60	
		$ 14,480.60
Leaving in the treasury of the proceeds of the sale of these lands, ...		956.21
There is now in arrear and unpaid of the State revenue from several counties in the State the sum of, ...		$ 30,880.73
There will be due State taxes, from the several counties on the 1st of January, 1857, payable into the treasury on the 15th January, 1857, ...		205,243.02
Amount now in treasury, ...		11,256.46
Total available revenue, ...		246,380.21

There was outstanding unpaid Auditor's Warrants on the 1st Nov. 1856, amounting to,	$ 11,567.64	
There are of bonds of the State, due 1st Jan. 1857, ...	71,442.00	
Due to the School Fund, Sept. 14, 1859, ...	6,000.00	
Due to the School Fund, July 15, 1866, ...	40,000.00	
Total State Indebtedness,		$128,009.64

Fifty-five thousand dollars of the State bonds fall due at the Philadelphia Bank, in the city of Philadelphia, on the first day of January, 1857, and provision should be made for their payment without a moment's delay.

I was authorized by the joint resolution of the General Assembly, approved July 15th, 1856, to borrow the sum of one hundred thousand dollars from the Superintendent of Public Instruction, for the purpose in the resolution specified. On that day I obtained from him the sum of forty thousand dollars, which I deposited with the Treasurer of State. The remaining sixty thousand dollars, I have not been able to obtain, as was anticipated, and it still remains in the hands of the Superintendent of Public Instruction.

SCHOOL FUNDS AND SCHOOL LANDS.

I am unable to state the amount of school lands and school money belonging to the State, nor do I know of any means of speedily ascertaining the amounts.

I again call your attention to the propriety of entirely

disconnecting the office of Superintendent of Public Instruction from all control over the School money and School lands.

The five *per cent.* fund arising from the sale of public lands within the State, has always, until the past year, been distributed by the Superintendent among the several County School Fund Commissioners, under what was supposed to be the requirements of the laws of this State. The amount of $226,800.56 received from the General Government as the five *per cent.* accruing on the 31st of December, 1854, has, I learn, been partially distributed among the County School Fund Commissioners, and partially loaned out by the Superintendent of Public Instruction; but, as I conceive, wholly without authority of law. This is too important and too large an interest to suffer any doubt to exist as to the proper disposal of the fund, or as to the powers, rights, and liabilities of any officer connected with it. I therefore commend the subject to your immediate consideration.

There is now in the Treasury of the United States, as the proceeds of the sales of the public lands within our limits, from 1st January to 31st December, 1855, $185,785.32.

STATE LAND OFFICE.

I also have the honor to transmit to you the report of the Register of the State Land Office, and take pleasure in calling your special attention to the suggestions of that officer. The operations of this Office have been quite responsible and laborious, and the benefits arising from it have far exceeded the expectations of those who were instrumental in its creation.

On the third day of November last I received the resignation of the Hon. W. McKay, as Commissioner of the Des Moines River Improvement. I learn incidentally that he has removed, or is about to remove from the State, and it is therefore presumed that no official report will be received from him.

On the 17th day of November I appointed Edward Manning, Esq., of Van Buren County, the successor of Mr. McKay. Mr. Manning has not yet entered upon the duties of his office, and may not be able to submit a report to the General Assembly until near the close of the session.

I received on the third day of last October from W. C. Johnson, Esq., President of the Des Moines River Improvement and Navigation Company, a request that I would examine into the affairs of that company, or cause them to be examined by a committee whom I might appoint, and proffering to pay all expenses that might be attendant thereon. Although the Governor of the State has no authority to appoint such a Committee, yet the necessity for such an investigation was so great that I should have exercised the power but from my inability to procure the services of the most desirable persons for the duty.

It is due to the people of the State and to the members of the Des Moines River Improvement and Navigation Company, that the rights and relations of the Company to the State should be definitely ascertained and distinctly understood. To this end it is recommended that a Commission be appointed, with power to administer oaths and to send for persons and papers, with instructions to inquire into all the transactions of former Commissioners and Reg-

isters of the Des Moines River Improvement; to report as to the character and validity of any contracts that may have been made between the State and persons or companies for the improvement of the Des Moines River, and especially to report with regard to the transactions of the Des Moines River and Navigation Company.

Until such investigation is made and report submitted, it is recommended that all action on the part of the State in connection with the Des Moines Improvement and the Des Moines River lands be suspended.

I transmit herewith the biennial report of the Des Moines River Improvement and Navigation Company, and the accompanying papers.

STATE INSANE ASYLUM.

The report of the Commissioners appointed to superintend the erection of a State Insane Asylum at Mt. Pleasant, will inform you of the progress that has been made, and of the amount of appropriations that will be required to complete the work.

I cannot too strongly urge upon you to make liberal provisions for the early completion of this institution.

In adopting a plan for the building, the Commissioners have availed themselves of the most enlightened experience of the country, and it is believed that when completed according to the plan and specifications, it will be at least equal to any similar institution in this country or Europe.

An Act of the General Assembly will be required, providing for the government of this institution when completed, authorizing the selection of superintendents, officers

and servants, and specifying in what manner and on what terms persons may be admitted to the Asylum as patients.

STATE PENITENTIARY.

I transmit herewith the report of the Inspectors of the State Penitentiary, and solicit your attention to the suggestions it contains. The Penitentiary is established in one corner of the State, and the ground connected with it is limited in extent and not well adapted to the purpose for which it is used.

I am not prepared to say that sound policy does not dictate a removal of the institution to some more central and accessible part of the State. Should it be deemed expedient to maintain the present as a permanent penitentiary, very considerable appropriations will be required to build an additional number of cells, a Hospital for the sick, and erect a substantial wall around the Prison yard. If, on the contrary, it is thought expedient to establish a Penitentiary in a more central position in the State, then the manner in which it shall be constructed, and the system upon which it shall be conducted, become subjects for very grave consideration.

Notwithstanding the very general prejudice that exists against it, many wise and good men, after a thorough investigation of the subject, are convinced that the solitary system, as practised in Pentonville in England, and in the Eastern Penitentiary in Pennsylvania, would be most conducive to the interest of the State and to the reformation of convicts. Before any permanent system of prison discipline shall be established, it is to be hoped that the subject will receive a most thorough examination.

The following statement will exhibit the receipts and expenditures of the Prison from the 24th of March, 1855, to the 30th of September, 1856.

RESOURCES.

Stock on hand March 24th, 1855,	$ 989.46	
Receipts from all sources to Sept. 30th, 1856,	16,552.01	
Amount due from convict labor, (not matured,)	656.48	
		$18,197.95

EXPENDITURE.

Expenditures and liabilities for all purposes from 24th March, 1855, to 30th Sept., 1856,	$17,330.42	
Stock on hand Sept. 30th, 1856,	1,103.77	
		$18,434.19
Excess of Expenditure and liabilities during this period,		$236.24

SWAMP AND OVERFLOWED LANDS.

In obedience to the Act of the last General Assembly, approved January 25th, 1855, authorizing the Governor to provide for the selection of the swamp and overflowed lands granted to the State by the Act of Congress 28th of September, 1850—immediately after the adjournment I addressed letters to the Judges of the counties in which these lands had been selected, urging them to cause it to be done at the earliest practicable moment, and that their lists should be returned to me, forthwith.

As the State had granted the lands to the counties in

which they lie respectively, I thought that the counties should incur the expense of making the selections and returns.

Some of the Judges replied that there was no swamp or overflowed lands in their counties; some that there were no competent surveyors within their jurisdiction whom they could employ to do the work; some that they were not familiar with the duty or the forms to be observed, and that they must receive specific instructions; whilst others utterly refused to take any action in the premises.

Under these circumstances I employed competent persons to proceed to these counties, with a view to stimulate the Judges to enter upon their work, and to give to each a copy of all the necessary forms and instructions. By these means the swamp and overflowed lands have been selected in all the organized counties of the State, with the exception, perhaps, of Grundy, which has been organized within the past few weeks. The swamp lands within the unorganized counties can be easily selected from the plats in the office of the Surveyor General.

GEOLOGICAL SURVEY.

In pursuance of the Act of the last General Assembly, authorizing a geological survey of the State, I appointed Professor James Hall, of Albany, New York, State Geologist, and in conjunction with Mr. Hall, appointed Professor J. D. Whitney, of Massachusetts, State Chemist. These gentlemen prosecuted their survey during a portion of the years 1855 and 1856, and to their report, which will shortly be transmitted to you, I refer you for an account of their explorations and its results.

The high rank among scientific men enjoyed by each of these gentlemen gives ample assurance that the survey will be thorough, practical and creditable to the State.

The appropriation for the last two years was wholly inadequate, and at least double the amount will be required for the two succeeding years.

WEIGHTS AND MEASURES.

Complete sets of standard weights and measures have been received from the Federal Government, and at the suggestion of Professor Bache, superintendent of weights and measures, I have caused to be erected a small building in the state house yard for their safe keeping.

The building was erected upon a plan furnished by Mr. Bache, is nearly fire proof and cost about $1,700.00.

The standards are quite expensive, of very difficult adjustment, and are peculiarly liable to injury. I thought it unwise to receive and store them in a warehouse where they would be liable to destruction by fire or dampness, when the government was ready to furnish a competent person to adjust them for use without expense to the state. It will be well to place these standards in the custody of some officer of state.

STATE UNIVERSITY.

It would seem that with a population in the state of half a million of souls, and a university fund of nearly two hundred thousand dollars, the time had arrived for a thorough and efficient organization of this institution. Such an organization, however, cannot be perfected and maintained without the proper accommodations for officers and students.

If it is the design of the General Assembly to surrender the capitol buildings at Iowa City, for university purposes, provision should be made to that effect at an early day. If such is not the intention, then I submit that it would be desirable to speedily furnish the necessary accommodations elsewhere or in some other manner.

STATE CAPITOL.

In compliance with the act of 25th of January, 1855, entitled "an act to re-locate the seat of government," I appointed commissioners for that purpose and they have discharged their duty. The site selected for the future capitol is on a gentle swell of land about three quarters of a mile east of Fort des Moines, and on the east side of the river. It commands a good prospect and seems to be well adapted to the purpose for which it has been selected.

REVISION OF SCHOOL LAWS.

In compliance with the provisions of the act of July 14th, 1856, Hon. Horace Mann, of Ohio; Hon. Amos Dean, President of the State University, and F. E. Bissell, Esq., of Dubuque, were appointed commissioners to revise the School Laws of the State. The commissioners are engaged in the discharge of their duties, and will be able to lay their report before you in a very few days.

REGISTRY LAW.

Almost every person residing in any of the large towns in the State acknowledges the imperative necessity for some law to protect the purity of the ballot box. That gross

frauds are perpetrated at every exciting election, by the voting and double voting of unqualified persons, is not to be denied. To remedy this great and constantly increasing evil, the passage of a registry law is respectfully recommended. Such laws have been in operation in several States from a period long anterior to the adoption of the Federal Constitution and have fully answered their design.

COUNTY INDEBTEDNESS.

The Constitution wisely provides that the State shall not in any manner create a debt exceeding one hundred thousand dollars. The framers of that instrument did not imagine that there was a great necessity to prohibit the counties from creating large public debts, for the reason that the history of the country did not then present the case of a county becoming a large stockholder in private corporations.

Within the past few years, however, so great has been the anxiety to procure the construction of works of internal improvement that many counties and cities in this State have adopted the very doubtful policy of creating large municipal debts, for the purpose of becoming stockholders in railroads and other private corporations. The amount of municipal indebtedness already voted by the different cities and counties exceeds seven millions of dollars.

Without stopping to enquire into the authority under which the loans have heretofore been voted, it seems to me that prudence and sound policy requires that some check be imposed upon the future exercise of this power to create public indebtedness. It is true that many investments made by the counties and cities may result profitably to the stock-

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holders, but it is equally true that many will prove disastrous, as some have already done.

Municipal corporations are designed for local and limited purposes, and it is a perversion of their organization when they are embarked in internal improvement beyond their jurisdiction. Nor is this an equitable principle which allows the people of one portion of a county to fasten an indebtedness upon a remote portion of the county for other than legitimate county purposes. Equally unjust is it to allow the property of one man to be heavily burdened by taxation imposed by the vote of another man, who is without property, without a household and who sustains none of the burdens of government. There is a manifest propriety in allowing every man the right of suffrage under ordinary circumstances. It is proper that every man should have the privilege to join in the selection of his own law-makers, and his own executioners, but there is not the same propriety in allowing to every man the privilege of creating an indebtedness for others to pay.

It occurs to me that too many checks and safeguards cannot be thrown around this power, if such power exists at all, of creating municipal indebtedness for purposes of internal improvements. It is a dangerous power and liable to the grossest abuse.

KANSAS.

During the past summer it was reported and generally believed that the President of the United States only failed to interpose his authority for the protection of the rights of the free state people in Kansas for the reason that no official intelligence had reached him that any outrages had

been perpetrated in that unfortunate territory. Having such information myself, I conceived it to be my duty to notify the President of the crimes that had been committed against the persons and property of former citizens of Iowa, and to demand for them that protection which the federal government was in part established to secure.

Accordingly, on the 28th day of August last, I addressed to him a letter on this subject, a copy of which I herewith transmit. Without desiring to forestall the opinion or action of the General Assembly in this regard, I beg leave to reiterate the opinion then expressed that it is the right and duty of the State to protect the rights of her former citizens in Kansas, when the federal government fails to perform that duty.

I desire to co-operate with the General Assembly in the adoption of any measures that may tend to uphold the sovereignty and promote the prosperity and honor of our noble State.

JAMES W. GRIMES.

EXECUTIVE OFFICE, IOWA CITY, 2nd DECEMBER, 1856.

SECOND BIENNIAL MESSAGE

JANUARY 12, 1858

From the Journal of the Senate, p. 14

Gentlemen of the Senate, and House of Representatives:

I congratulate you upon the continued prosperity of our State. Since you were last assembled, its population has continued to increase, and its resources of every character to be each day more and more developed. The earth has yielded liberally of its abundance; and peace, good order and happiness everywhere prevail. It becomes us to be devoutly thankful to that benign Providence that has blessed our beloved State with another season of prosperity and happiness, and brought us to the commencement of another official year.

You are convened under the provisions of a new organic law. You are expected to provide the proper methods for carrying that law into full effect. Your labors will exercise a potent influence upon the future character and prosperity of the State. That influence will extend to a period long after the last of you shall cease to be interested in human affairs. It is not to be doubted, that you appreciate the just responsibilities of your position. It is expected that the spirit of moderation and prudence will preside over all your deliberations. It is hoped that all your legislation will be stamped with the utmost simplicity and singleness of purpose, and that you will abstain from all measures,

which, from their doubtful tendency, may needlessly distract the public mind and throw it into agitation and controversy.

All the general laws of the State require some modifications to adapt them to the provisions of the New Constitution. Several new acts of a general character will also be necessary. Special legislation is opposed to the true theory of a Republican government, and is the source of great corruption. The New Constitution inculcates most strongly the duty of general legislation, and declares that "in all cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the States." It is in express terms declared, "that the General Assembly shall not pass local or special laws in the following cases:"

"For the assessment and collection of taxes for State, county or road purposes;

"For laying out, opening and working roads and highways;

"For changing the names of persons;

"For the incorporation of cities and towns;

"For vacating roads, town-plats, streets, alleys, or public squares; and

"For locating county-seats."

It will be very important that the legislation on these subjects should be very full and specific.

The general election law will require very material changes, and I again submit to the General Assembly, the propriety, when revising this law, of incorporating into it provision for making a complete registration of all the legal

voters in the State. In no other way can the ballot boxes be protected against fraud, and the elective franchise preserved in its purity. The argument that a registry law from its complexity would be too burdensome to be complied with, is entitled to no consideration. It is predicated upon the idea, either that the General Assembly is incapable of maturing a simple and judicious law on this subject; or that the people of the State are incapable of comprehending and enforcing one; neither of which suppositions can be admitted to be correct. Such laws have been in operation in several of the States ever since the foundation of the Government, and have met the approval of all classes of citizens. With such a law, and with the strict and honest enforcement of the naturalization laws, we shall cease to see parties arrayed against each other on account of the birthplace of those who compose them, and every *bona fide* citizen will be secure in his just weight in the affairs of the State. Without such a law, judging from recent events, it is feared that popular elections will become a reproach.

The revenue law will also require revision, and so far as it relates to the State taxes, should be wholly changed. At present the county collectors and treasurers, although elected by the people of the several counties, are regarded in some degree as State officers. Should they fail to make return of the State revenue as required by law, suit is brought by the State on their official bonds. Should a defalcation occur, the State sustains the loss. This ought not to be. The county treasurers ought to be in no sense, State officers. Each county should be responsible for its proportionate amount of State revenue, and under no contingency should

the State be compelled to institute suit against these officers, and in default of recovery to suffer from their delinquency. The transactions of the State should be solely with the counties.

The result of the present system, is that the county treasurers are almost independent of the State control, and the prompt receipt of money due to the treasury cannot be relied on. Besides it operates to the injury of those counties that pay their *quota* of the revenue promptly. A few counties make prompt payments, while others fail to do so. Auditor's warrants are issued to discharge the State indebtedness, which should be discharged with the money due from delinquent counties. These warrants draw eight per cent. interest, which is paid from the State treasury, and is contributed by the counties that are *not*, as well as those that *are* remiss in the discharge of their obligations.

The amount now in arrear from the several county treasurers, a very small part of which will ever be received by the State;—probably not two per cent.—is $62,401.94.

I recommend that each county be required to pay its proportion of the State revenue by a fixed day, under suitable penalties for non-payment. If the county treasurers neglect their duties or default, let the burden fall upon the counties that elect them, where it belongs.

It is much doubted whether the law of last session, substituting county for township assessor, was any improvement upon the former method of assessment. Judging from my own observation, I do not hesitate to conclude, that many millions of dollars worth of property was overlooked at the last assessment, and is this year untaxed. I

recommend the old law, in this particular, to be restored. Sound policy requires that administration as well as legislation should be brought as directly home to the people as possible. There must ultimately be a thorough township organization throughout the State, and the sooner the people become accustomed to it, the less difficult and burdensome it will become, and the more perfect and satisfactory will be the transaction of public affairs.

It is believed, that an assessment of real estate is not required more than once in two or three years. If this be so, a large aggregate county expense might be saved. Biennial or triennial assessments might have a tendency to stimulate improvements and cause money, credits and personal property to pay their proportion of taxation, which at present is not the case.

The Constitution requires the General Assembly to provide for taking an enumeration of the inhabitants of the State in 1859, and every two years thereafter. As the law stands at present, this enumeration must be taken by the county assessors. No one need be told that it is utterly impossible for these officers to perform this duty, and discharge the other duties imposed upon them. Besides, many of them are incompetent to perform it. If it is important that the census of the State be taken, it is important that it be accurately taken and thoroughly compiled. I know no way in which this can be done, but by authorizing the census board to appoint officers for the purpose.

The people of this State have indicated their opinion, that so long as banks of issue are tolerated in other States, our interests require that similar institutions be established

here. If we must have a paper currency, it is infinitely better that it should be issued and secured and redeemed at home, under our own laws, than that it should be issued under laws of which we are ignorant, and controlled by men with whom we have no community of interest.

The Constitution authorizes the General Assembly to establish, with the subsequent approval of the people;

1. A State Bank with branches, to be founded upon an actual specie basis, and the branches to be mutually liable for each other's issues.

2. A general free banking law with the restrictions and limitations imposed by Art. 8, Sec. 8 of the Constitution.

In acting upon this subject, it will doubtless be ever borne in mind by the General Assembly, that banks are to be established to secure the *public welfare*, and not to promote the purposes of stockholders and capitalists; and that it is far better that banks should realize small profits, than that the public should be liable to injury by their suspension or failure.

The system of common school organization contemplated by the New Constitution, will, no doubt, result to the advantage of the State, if fully and properly carried into execution. Under this system, the members of the board of education are to be elected in the several judicial districts in the State. It is presumed that they will be selected on account of their peculiar fitness for the positions they are to occupy. They will bring to the board their experience as educationists, and they will be able to represent the true condition and wants of every part of the State. They will stimulate the zeal of the people in their several districts in

behalf of education;—they will instruct the subordinate school officers in the discharge of their duties, and thus secure the uniform execution of the school laws throughout the commonwealth.

It would be very desirable that the members of the board of education should have a general supervision of the acts of the county school fund commissioners, with authority to require additional or new official bonds when deemed necessary, and with power of substitution in cases of malfeasance or incompetency on the part of the incumbents. The fact is notorious, that many of the School fund commissioners lack the clerical ability to properly discharge the duties of their office. The affairs of some of these officers are in almost inextricable confusion, and a reform must be effected in their management, or considerable loss will be sustained by the State.

In compliance with the provisions of an act entitled "an act concerning school monies," approved January 28th, 1857, I appointed agents to examine "the books, vouchers, securities and other documents" of several of the county school fund commissioners, selecting for the most part, those offices to be examined where it had been reported that the business had been loosely done, or where the officer had charge of the proceeds of a part of the "five hundred thousand acre grant," as well as of the "sixteenth section grant." The reports show that in a majority of cases the books are tolerably well kept, and that there is no immediate danger of loss, though there is a suspended debt in nearly every county. In some counties, however, the fund commissioners have accepted as security for money lent,

mortgages upon land not within the county, and in some instances upon ideal tracts of land. In many instances, mortgages are improperly drawn and acknowledged, and in some cases they stand as the second or third encumbrances. Some of the commissioners accepted the records and papers belonging to their office from their predecessors, without inquiring into their character or correctness, and such is the confusion of the records, and so limited is the knowledge of these officers of accounts and titles, that it impossible for them to render an intelligible report of the condition of the school lands and moneys under their control. The agents were in some counties compelled to make complete abstracts of title to all the lands in the county that had originally been school lands, in order to ascertain what tracts had been sold and what remained unsold. If the members of the board of education are required by law to make annually a thorough personal examination of each school fund commissioner's transactions, a uniform system of doing business will, in a little time, be established, and the school fund will be preserved.

An agent was also appointed to examine into the pretended loans of school moneys made by the late Superintendent of Public Instruction, James D. Eads, with power to secure as far as possible, the future payment thereof. The agent, J. M. Beck, Esqr., of Fort Madison, has been indefatigable in his efforts in this behalf, and has succeeded in securing a large amount of doubtful indebtedness. The exact condition of these transactions of the late Superintendent, will be learned from the report of the agent, which I herewith transmit for your consideration. It will be

observed that the deficit will probably amount to forty-six thousand four hundred and three and eighty-one hundredth dollars, for the payment of which recourse must be had to the official bond of Mr. Eads.

I again call your attention to the revision of the school laws of the State, as prepared and submitted to the last General Assembly, by Messrs. Horace Mann and Amos Dean. It can safely be said, that the general provisions of that report met the approval of the friends of education in the State. Indeed, the report was acceptable to a large majority of the members of the last General Assembly; but failed to be enacted into a law for reasons not connected with the merits of the report itself. The obstacles then in the way of its adoption have since been removed by the adoption of the New Constitution, and I know no reason why it should not now be considered and enacted into a law.

I cannot forbear repeating the opinion expressed to the General Assembly three years ago, "that the public schools should be supported by taxation of property, and that the present *rate* system, or *per capita* tax upon scholars, should be abolished." I have seen no reason to change my opinion on this subject, but, on the contrary, I have been every day more and more strengthened in the conviction that it is the only wise and politic method of educating the people. The *per capita* system is based upon the idea that education is a personal benefit for which those who receive it should pay, whilst the true theory of popular education is that it is a public benefit for which the public should pay.

The capitol building at Iowa City has been surrendered to the trustees of the State University. The building is

out of repair, and requires considerable change in its internal arrangements to adapt it to the purposes for which it is to be used. I recommend the General Assembly to appropriate a sum sufficient to put it in complete order for the uses for which it is now designed.

The report of the trustees of the University will be laid before you. The time has come when this institution should be put in vigorous operation and be made a benefit and honor to the State. The Constitution requires the General Assembly to "encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement." I know no more practicable method of compliance with this constitutional injunction, than by the organization of the University upon the basis of the report submitted by the commissioners to the General Assembly at its last session.

The report of the trustees of the Blind and Deaf and Dumb Asylums will be laid before you. The Deaf and Dumb Asylum is in a prosperous condition, and only lacks the proper accommodations to answer all the reasonable desires of the friends of the institution and of the children in charge. I recommend that this institution be permanently established at some point in the State, and that steps be taken to erect a proper Asylum building.

The pupils at the Blind Asylum are so few that it does not seem necessary to maintain an institution for their instruction. They can be educated by the State in similar institutions elsewhere, at less expense than is now annually appropriated for this purpose.

I am pleased to be able to say that the Hospital for the

Insane at Mount Pleasant has advanced rapidly towards completion, and can be made ready for occupancy during the present year. The main rear projection, embracing the kitchen, bakery, washrooms, laundry, chapel, dining room, servants' room, &c., is under roof, and can be plastered in the early spring. The whole east half of the building can be raised to the roof in thirty days, the material being now all upon the ground. The west half is raised to the bottom of the second story windows, and a considerable portion of the stone required for the completion of this wing is also prepared and upon the ground.

The whole work is of the most substantial character; the plan of the structure meets the approbation of all who are familiar with the treatment of insane persons, and I think I hazard nothing in saying that when completed the Hospital will be creditable to the State.

The amount already expended, including labor, materials of various descriptions on hand, glass, sash and window frames for the entire building, stock, &c., is $138,548.01. The estimates of amounts that may be necessary to complete the building, out-buildings, furnish steam, gas and water, and to prepare the Hospital grounds, will be found in the report of the commissioners, herewith communicated.

It may be thought by some that the size of this building is greater than the necessities of the State require, and more expensive than the finances of the State will justify.

In response to such suggestions, I beg leave to say that there are now insane people enough in the State to fill it to its utmost capacity, and that, while it has thus far been most substantially built, no money has been spent, nor does

the plan contemplate the expenditure of any, for useless finish or adornment. When it is remembered that each patient requires a separate dormitory, enclosed by brick walls, thus requiring three hundred rooms for the inmates alone; that there are day rooms and associated dormitories; dining-rooms, wash-rooms, bathing-rooms and water-closets, in each of the sixteen wards; and that there must necessarily be large accommodations for baking, cooking, washing, ironing, &c., &c., for a household of nearly four hundred persons, the magnitude of the building and its cost will not be surprising.

No one who examines the census returns of this State for 1856, and informs himself of the proportion of insane cases that become chronic and incurable when treated as they now are in this State, to the proportion that are cured when sent immediately to an asylum, will hesitate to believe that humanity, economy and safety, require that this institution should be immediately completed, and hereafter liberally supported.

It will be necessary for the General Assembly to determine upon what system the Hospital, when completed, shall be conducted. At present there is no provision for the admission of patients, and it will be necessary to declare upon what condition they can be received, and who shall have the general supervision of the interests of the institution.

In compliance with the instructions of the General Assembly, I have caused the report of the Geological Survey of the State to be printed at Albany, New York, under the immediate supervision of Prof. Hall. The work has

been issued from the press, and is now in transit to this place. I am pleased to be able to say that it is regarded by men of science who have had access to the proof-sheets, as one of the noblest contributions that has ever been made to the scientific history of the country, and is spoken of by all as an honor to our State.

My successor will submit to you, during the session, the estimates of Messrs. Hall & Whitney for carrying forward the work to completion.

There are now several independent military companies in the State, to whom State arms have been distributed. Many of the companies are uniformed, fully equipped, and well disciplined. Yet, there is no law of the State under which they are organized or that would strictly authorize the Executive authority to call them into the field, in cases requiring their services.

The experience of the past year has demonstrated the necessity for some military organization in the State, and I therefore commend the subject to your consideration.

Accompanying this communication you will receive the report of the Treasurer of State.

The amount in the Treasury on the 31st October, 1856, was	$ 11,254.91
There was paid into the Treasury during the fiscal year,	231,234.42
Making a total of	$242,489.33
There was paid out during the year,	228,806.23
Leaving a balance in the Treasury at the end of the year of	$13,683.10

There is in arrears from the several county Treasurers		62,401.94
There is due from the several counties upon the assessment of 1857,		418,709.59
The Auditor of State estimates the taxes for the year 1858 at		500,000.00
The estimate for 1859 is		575,000.00
Total resources of the State to January, 1860, when the next General Assembly convenes,		$1,569,794.63
The Auditor estimates the expenses of the State during the same period at	$523,412.90	
There are of outstanding Auditor's warrants	155,003.56	678,416.46
Leaving an excess of resources over present and probable liabilities of		$891,378.17

The expenses of the State during the past two years have been greatly increased by the extra session of the General Assembly in July, 1855, rendered necessary by the grant of land to the State for railroad purposes, by the recent Constitutional Convention, and by the erection of a Hospital for the Insane at Mount Pleasant. The amount expended for these three purposes exceeds the sum of two hundred thousand dollars.

It will be observed that the estimate of resources for the years 1858 and 1859, it is based upon the supposition that the present rate of State taxation shall be continued. It will be for the General Assembly to determine whether or

not this rate of taxation shall be adhered to. It is believed that owing to the present scarcity of money and the stagnation in business, a small amount only of the State revenue now due will be promptly paid. I therefore submit to the General Assembly the propriety of borrowing upon the bonds of the State, the amount allowed by the Constitution. I have reason to believe that six per cent. bonds can be negotiated at par. Should this course be adopted, the present liabilities of the State can be immediately discharged, the charitable institutions can be carried forward to completion, and the rate of taxation for the years 1858 and 1859 can be reduced at least one-third.

The act of January 29, 1857, in relation to the Des Moines River Improvement, authorized the making of a new contract for the prosecution of that work. This action of the General Assembly was founded upon the conclusion that the contract of June 9, 1854, with the Des Moines Navigation and Railroad Company, was invalid and nugatory, from never having been approved by the Governor. The Supreme Court has, however, since decided that as this contract was subsequently recognized and acted upon by the State authorities, the original defect has been cured, and cannot now be made a ground of objection.

But from the report of the joint committee of the two Houses at the last session of the General Assembly, it would seem that the terms of this contract had never been complied with by the Company, but that it has been disregarded in its most essential particulars, whereby the purposes for which it was entered into have not been and will not be attained. If this be true, you may feel it to be your duty

to rescind that contract, for the reasons stated in the report, and make other arrangements in relation to that munificent grant, now in danger of being frittered away without any useful result.

The report above referred to also indicates that the Des Moines Navigation and Railroad Company have not only forfeited their charter by a failure to comply with the requirements of the statute, but that they have engaged in practices calculated to deceive and defraud, upon a large scale, innocent and unsuspecting persons, both at home and abroad. If this be true, it may be thought a matter of sufficient public importance to justify you in directing the Attorney General to institute proceedings to vacate the charter of the Company, and thus prevent it from perpetrating any further wrongs under the authority of the laws of this State.

The report of the Commissioners will furnish you the specific information that may be necessary as the basis for any action on the subject that may be deemed desirable.

By the act of Congress admitting Iowa into the Union, approved March 3d, 1845, it is declared "that five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct." This act of admission was accepted by the State on the 15th of January, 1847 [1849], with the provision that "the General Assembly shall have the right, in accordance with the provisions

of the second section of the 10th article of the Constitution of Iowa, to appropriate the five per cent. of the net proceeds of sales of all public lands lying within the State which have been or shall be sold by Congress, from and after the admission of said State, after deducting all expenses incident to the same, to the support of common schools."

At the time this contract was made between the State and the United States—for it can be regarded in no other light than a contract—the United States disposed of the public lands in no other way than by *bona fide* sales for money. This obligation on the part of the Federal Government was based upon the obligation on the part of the State that lands belonging to the United States should not be taxed, and that the lands of non-residents should not be taxed higher than the lands of residents.

The State had reason to believe that the same policy would be continued. Since that time, however, the policy has been changed, and immense quantities of land have been entered by military land warrants, issued to former soldiers in the United States army. The law authorizing them to be issued, provides that these warrants shall be received in payment for lands. The Government, therefore, receives a consideration for the land thus entered, in the discharge of its obligations upon the warrants. It is exceedingly unjust for the government to destroy the fund which it holds in trust from the State, for the purpose of rewarding those who have rendered it service. Between private persons, the same state of facts would justify a recovery in a court of law. It seems to me that the same principle should prevail between the two governments.

The military land warrants located in this State up to the 30th June, 1856, covered 10,929,692.30 acres. The per centage due to the State thereon is $682,980.20. I have no means of knowing the number of acres located in the fiscal year ending 30th June, 1857, but I judge that the aggregate per centage now due to the State approaches very near $1,000,000.

I recommend that Congress be again memorialized on this subject, and that suit be authorized to be instituted against the United States for the recovery of the amount due, in the Court of Claims.

During the past three years, my attention has been frequently called to the probability of a collision between the Indians and the settlers in the west and north-western counties of the State. I have repeatedly addressed the President of the United States, the Secretary of War, and the Commissioner of Indian affairs, warning them of the apprehended danger, and urging that immediate steps be taken to remove the Indians beyond our limits. Copies of my letters to the members in Congress from the State of Iowa, under date of 30th January, 1855, and to the President of the United States, under date of 3d December, 1855, I herewith transmit.

Without any military organization in the State, and without any power to act, except in the event of an actual hostile invasion; residing remote from the scene of anticipated difficulty, and fearful that some exigency might arise that would require prompt and energetic action, in January, 1855, I requested Maj. Wm. Williams, of Fort Dodge, to assume a general charge of this subject, and authorized him

as far as I had power to do so, to act in my behalf in any contingency that might arise in connection with the Indians.

In February last, Ink-pa-du-tah's band of Sioux Indians made a hostile incursion into the State, and perpetrated most horrible atrocities in Dickinson county. When intelligence of this event reached Fort Dodge, Maj. Williams at once enrolled three companies of men under Capt.'s Richards and Duncombe, of Webster county, and Captain Johnson, of Hamilton county, and proceeded to the scene of difficulty. These heroic men left their homes in the most inclement season of the year, and endured almost unheard of sufferings and privations; crossing swollen streams flooded with ice, and traversing uninhabited prairies in the most tempestuous weather, that they might save their fellow-creatures from a savage butchery, or rescue them from a captivity worse than death.

Two of their number, Capt. J. C. Johnson, of Hamilton county, and William Burkholder, of Webster county, perished on the march. Others returned frozen and maimed. The expedition did not overtake the Indians; but they reached the scene of their barbarities, gave to the dead a christian burial, and brought back with them two children, the sole survivors of the slaughtered settlement.

The men who thus gallantly and humanely perilled their lives, have received no compensation for the time employed in the expedition, or for their outfit. The Federal Government is in equity bound for their compensation. The Indian tribes are under its protection and control. It has allotted to each tribe a scope of country for its exclusive occupation. It has sold lands to settlers in this State with

the understanding that these tribes shall be confined to their respective limits, and that the possession of the land purchased shall never be disturbed by the Government, or those under its management. If the savages break over their bounds and inflict injury upon others, the Government should respond to the parties injured, for the damages sustained, and for the expenses incurred in protecting themselves against a repetition of the injury. To this end, I recommend that a memorial be addressed to the Congress of the United States.

But many of the members of Major Williams' command are unable to await the tardy action of Congress, and I therefore advise that the State assume the payment, and reserve the same from any appropriation that may be made.

Accompanying this, will be found the report of Commissary General C. B. Richards, showing the amount expended on account of this expedition, &c.

I submit to the General Assembly, whether some public recognition of the noble gallantry and untimely death of Messrs. Johnson and Burkholder, is not alike due to their memory, and to the gratitude of the State.

I do not anticipate any further trouble from the Indians. The rumors put afloat in regard to future difficulty can generally be traced to interested persons who seek by their circulation to accomplish some ulterior purpose. To be prepared for any such emergency, however, I have established a depot for arms and ammunition at Fort Dodge, and have procured a cannon, muskets and ammunition for another depot in Dickinson county.

I transmit herewith, the Report of the Inspectors of the

State Penitentiary, to which I solicit your particular attention.

It will be observed that there has been expended for the general support of the Penitentiary during the last fiscal year:

For salaries of officers,	$1,525.96
" " " day and night guards	2,674.79
" clothing, bedding, provisions, fuel, lights, incidentals, &c., &c., &c.,	5,247.85
Making,	$9,448.95

The value of the convict labor during the year has been $2,397.28, besides the construction of ten additional cells estimated at $1,545.

By an oversight, doubtless, no appropriation was made by the last General Assembly for the support of this institution. To meet the current expenses, the Inspectors were compelled, with my approval, to divert towards this purpose, $4,000.00 of the appropriation for the construction of wall, hospital, &c. This diversion became necessary to the very existence of the institution, and it is hoped it will meet your approval.

There has been a great increase in the number of convicts, and more cells and work-shops are required for their accommodation. The amount of appropriation that will be required for their construction, will be learned from the accompanying report.

I am happy to be able to say that the health of the convicts has been good during the year. There have been no deaths, and no escapes or attempts at escape. The dis-

cipline has been excellent, and the moral condition of the institution quite as good as could be expected.

I also transmit for your consideration, a presentment of a Grand Jury of Lee county upon this subject.

The necessity for a hospital for the sick, and apartments for female convicts, is urged with great force by the Grand Jury as well as by the Inspectors, and must, I think, be apparent to all.

I would call your attention to the fact that the edition of the "Code of Iowa" is exhausted, and that there are no copies of some of the session laws.

It will be necessary to make provision in some way for their republication. Many officers, in the new counties especially, who are entitled to copies of the laws, are unsupplied, and must remain so, until some further provision is made.

I cannot close this communication, without briefly calling your attention to the extraordinary doctrine announced by some of the Judges of the Supreme Court of the United States in the recent case of Scott vs. Sandford, and which the people of this country are now called on to endorse as the true construction of our national Constitution.

The founders of this republic entertained no doubt that Congress had power to make all needful rules and regulations for the government of the territories of the United States, and that a prohibition of the introduction of African slavery within these territories was legitimately within the scope of this authority. Such was the universal sentiment of the country, and the principle was recognized in numerous instances by Congress prior to 1854; when the Missouri

Compromise line was obliterated and the territories of Kansas and Nebraska created. The new and specious theory of "popular sovereignty" was then promulgated. The people of Iowa were besought to acquiesce in the repeal of the Missouri Compromise, on the ground that by the principle established by the Kansas Nebraska Act, the people of the territories would have the power to determine for themselves, whether freedom or slavery should prevail within their several jurisdictions. It was contended that the inevitable effect of giving the people the power to settle this question for themselves would be to establish freedom in every territory—that such was the vitality, and vigor, and advantages of free institutions over slave institutions; that so apparent were the withering influences of slavery upon all the best interests of society, that no intelligent people would encourage or allow it to be established within any of the new territories. There was such a degree of plausibility and fairness about this argument that it received the support of a considerable portion of the American people.

But the theory of popular sovereignty, and the theory of the power of Congress over the subject of slavery in the territories, have alike been overthrown by the decision of the Supreme Court. After overturning the law as it had been settled more than seventy years, by deciding that Scott was not a citizen because of his African descent; that he had no right to bring suit; that the court had no jurisdiction of the case, for the reason that there was no case legitimately before it, for the want of a proper party; a majority of the Judges proceeded to pass upon what they were pleased to consider the merits of the case.

I am aware, that except upon the single question of the citizenship of Dred Scott, their opinions are entirely extra-judicial, and entitled to no more weight than the opinions of any other citizens. But they are worthy of your consideration, because they foreshadow the opinion that will be authoritatively announced whenever the proper state of facts shall be presented that may seem to justify it.

It is first declared, by a majority of the Judges, that Congress has no power over slavery in the territories, and as a natural corollary cannot delegate to the people of the territories a power it cannot itself exercise. It is declared that the Constitution plants slavery upon all the public domain, and there nurtures and protects it.

It is no longer held, under this decision, that freedom is national and slavery local, confined to the limits of the States that see fit to uphold it. Slavery is in effect declared to be a national institution, belonging not to the States, but to the United States. It is fastened upon every foot of soil belonging to the Government, and there is no power in Congress, or in the Territorial Governments to expel it. Whatever Territory may be hereafter acquired by the United States, will instantly become slave soil. Wherever the flag of the country goes, there goes slavery with its chains and manacles.

The logical result of this decision goes still further. It carries slavery into every State in the Union.

One of the Justices of the Supreme Court even declares, "that the only *private property* which the Constitution has *specifically recognized* and has imposed it as a direct obligation both on the States, and the federal government to

protect and *enforce*, is the *property* of the master in the slave; no other right of *property* is placed by the Constitution upon the same high ground or shielded by a similar guarantee." If this be true, the whole union is slave territory, and there is no power on earth to abolish it. If both the States and the federal government are bound to protect this right of property, there is nothing to prevent slavery from taking possession of Iowa to-day.

But it is not true. There is no such obligation imposed upon the States. The Constitution nowhere regards slaves as property. They are uniformly spoken of as "*persons.*" As "*persons*" they are enumerated and entitled to representation. As "*persons*" they are subject to rendition as fugitives from "service or labor," as are apprentices and minors. As "persons" their "immigration or importation" could not be prohibited prior to 1808.

It needs no argument to show that this decision is unwarranted by the facts presented to the courts; that it is revolutionary in its character; subversive of the policy of the founders of the republic, and violates the rights of the states. Being wholly extra-judicial, so far as relates to the power of Congress and the States over slavery, it cannot bind the conscience, or command the obedience of any man.

I trust that as the representatives of the freedom loving citizens of Iowa, you will explicitly declare that you will never consent that this State shall become an integral part of a great slave republic, by assenting to the abhorrent doctrines contained in the Dred Scott decision, let the consequences of dissent be what they may.

The condition of affairs in Kansas, certainly demands your consideration.

Notwithstanding the grossest frauds and the most unequal legislative apportionment, the people of that unfortunate Territory have declared by an emphatic majority in favor of freedom. No candid mind can now doubt that at least four fifths of the *bona fide* citizens of the territory desire to erect it into a free State.

But the more evident it is that the people do not desire slavery fastened upon them, the more desperate are the efforts of the slavery propagandists to thwart the popular will. We have seen within a few weeks, a small number of persons pretending to be the representatives of only a small minority of the people, proclaiming what they call the Constitution of Kansas. That Constitution recognizes slavery as already established, makes provision for its protection and undertakes to bind posterity against its abolition. The attempt is made to subvert every principle of popular government, by fastening this Constitution upon the people without their consent. Conscious that it would be overwhelmingly defeated if fairly submitted for their approval or disapproval, they are denied the privilege of determining for themselves the character of the institutions under which they are to live. They are not permitted to settle for themselves any of the important questions connected with their judiciary, representation, taxation, internal improvements, education, finance, State indebtedness, or personal rights. For the purpose of riveting slavery upon them, a blow is thus struck at the very foundation principle of popular government. Had a similar attempt been made by

the recent Constitutional Convention in this State to force a Constitution upon the people regardless of the popular will, it would justly have resulted in a revolution.

This pretended Constitutional Convention, it is true, proposed a separate article which was submitted to the people, and which if adopted, establishes slavery in Kansas upon a more barbarous system than is known to any of the slave States of this Union. But no one was permitted to vote either for or against this separate article until he first voted *for* the Constitution. He was not allowed to vote against it. Thus, whether the separate article was adopted or rejected, if the Constitution *which could not be voted against*, is permitted to stand as the the organic law of the State, Kansas must become a slave State.

We cannot be indifferent to the efforts of the people of Kansas to perpetuate freedom in that territory. We ought not to be indifferent. No people are deserving of freedom who do not sympathize with those who are struggling to attain it. The people of Kansas are the champions of popular government everywhere.—They are bringing to the test the great principle enunciated by our revolutionary fathers that government derives its power from the consent of the governed.

If the recent Constitutional Convention of Kansas, defended as it was by federal bayonets against the just indignation of the people, can succeed by trick and fraud in fastening an obnoxious constitution upon them, and take away from them the power to amend it until slavery shall become further strengthened, there is an end to free government and American liberty.

The people of Iowa look with alarm upon the constant aggressions of the slavery propagandists, but I confess that I look with equal alarm upon the manifest tendency of our government to consolidation.

The events of the few past years would seem to indicate that the predictions of some of the men who achieved our liberties for us, are being fulfilled. Our government is fast becoming an elective monarchy. The States are gradually losing their consequence and will soon be reduced to the condition of mere municipal appendages to the central power. The influence of the federal government is prostituted to interference in State affairs, even to that of municipal elections. The doctrine inherited from our ancestors that standing armies are dangerous to the liberties of the people, is repudiated by constant and strenuous efforts to increase the national army. The federal government now asks to control all the banking institutions in the States by virtue of some law of Congress. Sinecure offices are created for the purpose of influencing public opinion. The army of office holders scattered through the States, uttering the sentiments, disbursing the money, and obeying the commands of the Central Authority, govern in a great degree the sentiment of the country. Thus, the federal government, instead of being as it was designed to be, the mere creature and under the control of the States, is fast becoming their master.

This centralizing influence of the government—the immense increase of our national expenses—the history of slavery propagandism in Kansas, and the complicity of the federal government therewith; the attempt to overthrow the

clearest right of self-government for the purpose of extending the institutions of slavery, and the efforts to destroy the rights of the States by political decisions of the Supreme Court, should remind the freemen of Iowa that their political rights are in danger.

The liberties of the people can only be preserved by maintaining the integrity of the State governments against the corrupting influences of federal patronage and power.

Closing with this communication my official connection with the government, I may be permitted to avail myself of the occasion to return to my fellow citizens my heartfelt thanks for the honor and confidence they have bestowed on me, and to assure them of my continued aspirations for the advancement of our beloved State in virtue, prosperity and happiness.

JAMES W. GRIMES.

EXECUTIVE OFFICE, DES MOINES,
JANUARY 12, 1858.

VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1855

From the Journal of the House of Representatives, p. 422

EXECUTIVE OFFICE, January 23d, 1855.

To the Speaker of the House of Representatives:

I am reluctantly compelled to return the bill which originated in your House, entitled "An Act to amend An Act to incorporate the Mount Pleasant Collegiate Institute," approved February 15th, 1844; without my approval.

I cannot look upon the contemplated Act otherwise than as an attempt to create a special corporation, or at least to convert an old corporation into a new one.

The second section of the Act, declares that the incorporation mentioned in the original Act of February 15, 1844, together with certain other persons, naming them, "*are hereby declared a body corporate, by the name of the Iowa Wesleyan University, with power of perpetual succession, to sue and be sued, implead and be impleaded in any of the courts of this State; and to do all acts necessary to carry out the objects of this Incorporation.*"

More unequivocal and positive language could not be used. It purports upon its very face to be an Act of Incorporation. It adds nine new corporators to the original five;

and it repeals all former acts that come in conflict with its provisions.

The second section of the 8th article of the Constitution of Iowa, declares that "corporations shall not be created by special laws, except for political or municipal purposes."

I cannot conceive that under this express constitutional prohibition the General Assembly has the power to extend or change the whole character of a former act of incorporation, and change it into a new one. I do not doubt their power to confer upon existing corporations created by laws enacted before the Constitution was adopted, or under the General laws of the State, new and special franchises.

But such is not the case. This act does not so much seek to confer new powers upon an existing corporation, as to tear down an old one and build anew upon its ruins.

The objects sought by the Incorporators are commended to my judgment. I sympathize in their efforts to establish an Institution of sound learning. I applaud their motive, I desire their success, but I cannot resist the performance of what I believe to be an imperative constitutional duty.

It is however a consolation to know that the object sought, can be as easily attained under the General Laws of the State as by a special act of Incorporation, and that the interests of education will not suffer by the exercise of the executive veto.

JAMES W. GRIMES.

TO THE SENATE

JANUARY 24, 1855

From the Journal of the Senate, p. 310

EXECUTIVE OFFICE, January 24, 1855.

To the President of the Senate:

I herewith return to the Senate, where it originated, a bill, entitled "an act in reference to an ordinance passed by the city council of Dubuque, Jan. 15th, A. D. 1855," without my approval.

The bill declares "That said persons mentioned in said ordinance, be and they are hereby declared an incorporate company, *with perpetual succession*, and that they are hereby conferred with all the rights and privileges given to them by said ordinance of the city of Dubuque, and that they have such other rights, *as they can acquire*, by incorporating under the general act of incorporation of the State of Iowa." The bill does not seek to confer upon a corporation already in legal existence, the right to supply the city of Dubuque with water. To the grant of such a franchise, there could be no constitutional objection.

The whole design of this bill seems to be, and the whole effect of it would be, if it could be properly enacted, to create the persons named in the ordinance of the city of Dubuque, *a perpetual corporation, with power to take such additional right*, as they might hereafter acquire under the *general laws of the State.*

I think this bill is in manifest conflict with the second section of the eighth article of the Constitution of the State, which declares, that "corporations shall not be created in

this State by special laws, except for political or municipal purposes.

The purpose of this bill is neither political or municipal; it not only would create a special incorporation, but it would give to it perpetuity, whilst the duration of corporations organized for similar purposes, under the general laws of the State, is limited to fifty years. JAMES W. GRIMES.

TO THE SENATE

JULY 14, 1856

From the Journal of the Senate, p. 80

EXECUTIVE OFFICE, IOWA CITY, July 14th, 1856.

President of the Senate:

Sir: I am compelled to return a bill entitled "An act to amend an act regulating the issue of county and corporate bonds, approved January 25th, 1855, so as to exempt the town of Ft. Madison, Iowa, from its operation," (to your house, where it originated,) without my approval.

Section six, of the first article of the Constitution declares that "*all laws of a general nature shall have a uniform operation.*" The act of the 25th January, 1855, regulating the issue of county and corporate bonds, is a general law, by its terms applying to all cities and counties within the State. The bill before me, is for a special act, designed to exempt the town of Fort Madison, from the operation of this general law, and is therefore, in my conviction, unconstitutional.

I am very truly Your obedient servant,

JAMES W. GRIMES.

TO THE SENATE

JANUARY 8, 1857

From the Journal of the Senate, p. 233

EXECUTIVE OFFICE, IOWA CITY, Jan. 8, 1857.

To the President of the Senate:

Sir—I herewith return to the Senate, where it originated, a bill entitled "an act to vacate an alley in the city of Keosauqua," without my approval.

The bill seeks to vacate an alley in that city, running through blocks Nos. 34, 35, 36, 37, 38, 40, 41, 42, 87 and 95, and then declares that "the lands so vacated shall be and remain under the control of the city Mayor, and control of said city, the same as though left for public use," &c.

It further declares that "nothing in this act contained shall give to the original proprietors of said city any right to control or convey the lands so vacated, or give them any rights they would not have had if this law had not passed."

The manifest intent of the bill is to vacate a highway known as an alley, and, by legislative enactment, prevent the title from reverting to the original proprietors, or to the adjacent owners.

I do not believe that the General Assembly can constitutionally do this. I understand it to be a principle of law that when a street, alley or highway is dedicated to the public use, the legal title to the land remains in the donor, and that the public acquires a simple easement or right of way; such is also the case when the right of passage is acquired under the laws of the State.

I also understand it to be a well settled principle that

when a conveyance is made by an original proprietor to a property abutting upon a highway, the *fee simple* passes to the centre of the highway, subject to the right of the public.

An alley is as much a highway as a street. Its use may be limited to few persons and purposes, but the right to use it exists in every one.

There can be no doubt of the power of the General Assembly to vacate a highway, but in view of these principles, I cannot bring myself to believe that when the vacation takes place the Assembly has any power to prevent the estate from reverting to the original owners, their devisees or grantors. The moment the right of passage in the public ceases, that moment the adjacent proprietors resume the franchise before enjoyed by the public. When the public franchise ceases, the land becomes private property, and cannot be taken for public use without just compensation.

The second section of the bill declares that the alley shall not be re-opened or conveyed by said Mayor and Council, without the consent of the owners of the adjacent lots. Assuming the correctness of the position I have taken, I cannot recognize the power of the Mayor and Council to convey, under any circumstances, much less do I recognize the power of the General Assembly to prevent the legal owners from conveying to whomsoever they may see fit, so soon as the alley shall be vacated.

JAMES W. GRIMES.

TO THE SENATE

JANUARY 10, 1857

From the Journal of the Senate, p. 253

EXECUTIVE OFFICE, IOWA CITY, Jan. 10th, 1857.

To the President of the Senate:

Sir:—I herewith, return, without my approval, a bill entitled "an act to incorporate the city of Wintersett, Madison county, Iowa."

The clause to which I desire to call your attention as being objectionable is the conclusion of section thirty-five, (35) which declares that "all property owned, or which may be hereafter acquired, whether real or personal, by said city in its corporate capacity, shall be exempted from taxation for State, county or other purposes."

I find no objection to the ability of the General Assembly to make the exemption from taxation; nor would I express an opinion of the policy of such exemption if the rule is made general, and applied to all the cities in the State. But I adopt this method of calling your attention to the want of uniformity in the past legislation of the State in this regard, and consequent inequality between the different cities.

So far as I have been able to examine the different city charters, I discover that the corporate property of the cities of Dubuque and Knoxville alone are exempt from taxation. The property of every other city and town and village pays its proportionate share of state taxes, and whilst they do this, I can see no substantial reason for adding another to the list of exempted cities.

I desire to say that this is not a case in which I would inflexibly insist upon exercising the prerogative vested in the Governor. I simply desire to call the attention of the General Assembly to the subject, and suggest the propriety of a general law in relation to the taxation of property belonging to municipal corporations.

Your Obt. Sevt.,

JAMES W. GRIMES.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1857

From the Journal of the House of Representatives, p. 350

EXECUTIVE OFFICE, IOWA CITY, January 16, 1857.

To the Speaker of the House of Representatives:

Sir—I herewith return to the House of Representatives, for reconsideration, a bill entitled "An act to incorporate the town of Centreville."

The eleventh section of the bill, referring to the town incorporated by the first section, declares "that the town council may propose amendments to this charter, which shall be submitted to the legal voters at the annual election, and if a majority of the votes cast for and against the amendment, be for the amendment, it shall thereupon become a part of this charter, Provided, That such amendment before being submitted for approval, shall be posted up at least sixty days in three public places, or be published in some weekly newspaper printed in the county."

There is no limitation or restraint as to the subjects that

may be embraced in these amendments. This section, if enacted into a law, would give to the town of Centreville the power to extend or curtail its boundaries at will—to contravene the general laws of the State by its ordinance, and to engage in enterprises entirely incompatible with the character and design of such corporations.

It surely cannot be the intention of the General Assembly, or the policy of the State to confer upon any municipal corporation such unlimited powers as would be granted by the eleventh section of this bill. JAMES W. GRIMES.

TO THE SENATE

JANUARY 17, 1857

From the Journal of the Senate, p. 351

EXECUTIVE OFFICE, January 17th, 1857.

To the President of the Senate:

Sir—The eleventh section of the bill entitled "An act to amend the charter of the city of Council Bluffs," (which I herewith return without approval), provides that "warrants may be issued for the violation of ordinances, by-laws, rules and regulations of said city, without being predicated or based upon affidavit." The terms are general, and include warrants for all purposes, whether issued for the person, for search or for seizure. The fourth article of amendment to the Constitution of the United States, declares that "no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized." The

eighth article of the Bill of Rights of the State of Iowa, declares that "no warrant shall issue but on probable cause, supported by oath or affirmation." The section under consideration is manifestly in violation of both of these constitutional provisions. It is therefore returned without my approval.

Your Obt. Serv't.,

JAMES W. GRIMES.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1857

From the Journal of the House of Representatives, p. 431

EXECUTIVE OFFICE, IOWA CITY, January 23d, 1857.

To the Speaker of the House of Representatives:

I herewith return to the House of Representatives, where it originated, a bill entitled,

"An act for the relief of the Medical Department of the State University."

This bill proposes to grant the sum of five thousand dollars, arising from the interest of the University Fund of the State, to the College of Physicians and Surgeons at Keokuk; provided a similar sum shall be raised by private contributions and devoted to the same purpose. Believing that such appropriation would be an unwarrantable diversion of the fund, and a virtual violation of the law of Congress, granting the land to the State, from which the fund was derived, I am reluctantly constrained to withhold my assent to the bill.

The act of Congress of the 20th July, 1840, granted a "quantity of land not exceeding two entire townships, for the use and support of *a University* within the said territory when it becomes a State, and for no other use or purpose whatever.

What was meant by the words "a University?" I understand the word "University" to be a technical term as applied to college or school. Webster defines it to be "An assemblage of colleges established in any place, with persons for instructing students in the sciences and other branches of learning, and where degrees are conferred." In Rees' Encyclopedia it is called "A collective term as applied to an assemblage of several colleges established in a city or town, in which are professors in the several sciences, appointed to teach them to students." This definition surely cannot apply to colleges scattered through several cities and towns remote from each other; and the college of Physicians and Surgeons at Keokuk cannot be a component part of "an assemblage of colleges established in any one place," which are required, according to Webster, to make up a University.

I cannot believe that it was the intention of Congress to create a fund which was to be appropriated to the support of various professional schools throughout the State, nor do I believe it the policy of the State to make such appropriations, if the power existed.

So far as I know, it has not been the policy of any State to furnish young men with professional educations, but simply to prepare them to commence their professional training in schools supported by matriculating fees and private endowments.

Our ideas of a University, are, doubtless, in a great measure derived from the celebrated Universities of Oxford and Cambridge, in England. They were founded in the 13th century, and are the oldest institutions of the kind in Europe. Each is an assemblage of several distinct college organizations, where literature and the sciences are taught, and all are united under a federal government with a Vice-Chancellor at the head.

The object of these institutions is to furnish to every student such knowledge of the languages and sciences as to enable him, if he please, to enter upon the technical study of a profession with advantage. But they do not furnish that technical knowledge at the University.

One of the colleges at Oxford supports what is called a reader in anatomy, and another a reader in chemistry. Every student can thus acquaint himself with the general principles of anatomy, physiology, and chemistry, but no one can then graduate as a medical practitioner. Each University supports a professor of law, whose lectures students are permitted to attend; but there is no lawyer in England, who after graduation, has not been entered at one of the inns of court in London, and has not regularly pursued his profession there.

Doubtless the grantors expected, and the people of the state have a right to expect that the University of Iowa shall be established upon the same general principles.

They have a right to expect that the University shall furish the ground-work of education that is important to the successful prosecution of every trade and profession in life. They expect this education to be universal in its character

and application, A knowledge of the structure of the human frame, and of the general principles of chemistry, botany and physiology, are important not to the medical practitioner alone. No man can be regarded as educated without this knowledge. But it should be obtained at the University, whilst pursuing the regular course of instruction; and students should not be compelled to migrate to a distant part of the State for that purpose. So too, is a knowledge of the fundamental principles of our constitution and laws necessary to a respectable education of every student, but to acquire this knowledge it was not expected that he would be required to remove to a law school in another remote part of the State. A casual reading of the fifth section of the tenth article of the State constitution, might seem to indicate that it was intended that the General Assembly might establish branches of the University. The act of Congress admitting the State of Iowa into the Union, approved March 3d, 1845, confirms the grant made in 1840, and declares that it shall "be appropriated solely to the use and support of such University, in such manner as the Legislature may prescribe."

It will be observed that all the legislation of Congress on this subject is in the singular number, applying to one institution, and by no possibility to more than one. The Constitution declares that the interest arising from the University fund "shall be applied to the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant." The last clause evidently qualifies and con-

trols the preceding portion of the sentence. But, without this qualification, the Constitution even, could not over-ride, the two anterior laws of Congress.

Convinced that Congress intended to use the word University as a technical term, and as it is used by lexicographers everywhere, I cannot believe that it is in the power of the General Assembly, to dissever the institution, and appropriate the funds arising from the sale of the University lands to the support of various colleges and schools scattered over the State, although they may be called branches of the University.

Nor do I believe it to be the *duty* of the State, either under the grant or otherwise, to furnish to young gentlemen their professions through the University. It is not the policy of States to create professional men and tradesmen; but if such duty does exist, it applies with as much force to attorneys, architects, sculptors, painters, engineers, carpenters and blacksmiths, as it does to physicians, and many would believe with as much force to the homeopathic, hydropathic and eclectic schools of medicine, as to the allopathic.

The annual nett proceeds from the University fund, when the lands are all sold, will not, according to my estimation, exceed twelve thousand dollars. This sum, if properly husbanded, would be barely adequate, with reasonable tuition fees, to support a respectable University. If strictly applied to the support of one institution, a University might be founded that would be honorable and useful to the State. Unfortunately for the course of sound learning, unwise councils prevailed at the first session of the General Assem-

bly, and an attempt was then made to fritter away the University fund by establishing branches at Dubuque and Fairfield, and Normal schools, to be supported from the same fund, at Oskaloosa and Andrew. At a subsequent session, the college of physicians and surgeons at Keokuk was attached to the University as a branch, and bills are now in various stages of progress before the General Assembly, creating other branches at Glenwood, in Mills county, at Fort Dodge, in Webster county, and an agricultural branch at Delhi, in Delaware county.

No one can divine how many other branches are in contemplation, and will be established if the principle heretofore acted upon is not checked. Every one who will reflect upon the subject, must perceive that this policy of distribution, if continued, will reduce the present institution to a shadow, impair its efficacy, and destroy the whole object of the grant.

On the last night of the last annual session of the General Assembly, (January 25th, 1855,) a bill was passed into a law, entitled "an act directing the payment of certain monies to the Normal schools of Oskaloosa and Andrew." I had at that time many doubts of the power of the General Assembly to pass the bill, but there was no time to examine the subject, and I hesitatingly approved it. For the purpose, however, of having the whole subject investigated and settled by a political decision, I advised members of the Board of Trustees of the University to decline drawing the orders contemplated, until required to do so by a writ of mandamus.

The persons representing the Normal Schools failed to

sue out such writ, and no judicial investigation of the subject involved has been made.

Having since that time examined and maturely reflected upon the whole subject, I am compelled by my convictions to decline signing this bill.

JAMES W. GRIMES.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1857

From the Journal of the House of Representatives, p. 477

EXECUTIVE OFFICE, IOWA CITY, January 23d, 1857.

To the Speaker of the House of Representatives:

I return herewith a bill entitled "an act to vacate the public square in the village of Freeman, and to donate the same to Floyd county for certain purposes."

The bill provides that a certain public square in Freeman shall be vacated, and when vacated, that the ground shall be sold by the county Judge of Floyd county, and the proceeds of the sale appropriated to the construction of a Court House at St. Charles, in the same county.

There can be no doubt of the power of the General Assembly to vacate a public square, street or alley; but I apprehend that when the vacation is made, the legislative power is exhausted. I suppose that the General Assembly can no more control the realty when the public consent ceases, than they can control the private property of any citizen of the State.

In this case, if the county of Floyd owned the ground

before it was dedicated to public use by being laid off into a square, then the title reverts to the county when the public use ceases. On the contrary, if the ground originally belonged to a private party, then, despite the act of the General Assembly, the title must revert to the original proprietors. In the one case, the act would be useless; in the other it would be a nullity.

For these reasons, I withhold my assent from the bill.

JAMES W. GRIMES.

TO THE SENATE

JANUARY 28, 1857

From the Journal of the Senate, p. 495

EXECUTIVE OFFICE, January 28th, 1857.

To the President of the Senate:

I return "An act giving the United States, jurisdiction and exemption from taxation, over and upon all lands purchased as sites for public buildings, in Iowa," without my approval.

This bill grants *exclusive civil* and *criminal* jurisdiction over all lands purchased, or, that may be purchased by the United States, within this state, and exempts them from taxation for any purpose whatever, providing that the United States shall erect thereon buildings for the public use.

It may be the policy of the State to exempt such lands from taxation, but I much doubt if a substantial reason can be assigned for granting to the United States *exclusive criminal jurisdiction* in such cases.

I can never consent that a *criminal* process issued under the authority of the state, for the violation of state laws, shall be powerless against the offender, whenever he passes the threshhold of a building belonging to the Federal Government.

I would much prefer that the United States should never expend a dollar in the purchase of land, and the erection of public buildings within the state than to sacrifice the principle of state sovereignty in so essential a particular.

Your Ob't Serv't.,

JAMES W. GRIMES

SPECIAL MESSAGES

TO THE SENATE

DECEMBER 22, 1854

From the Journal of the Senate, Appendix, p. 207

EXECUTIVE CHAMBER, December 22, 1854.

Gentlemen of the Senate:

I regret that it is impossible for me to give a satisfactory reply to your resolution of the 19th instant, calling upon me for information in relation to the deaf, dumb, blind, and insane, in this State: the information at my command in regard to their "number and condition," is very limited, and not of the most reliable character. From the census returns, however, of 1850, and from other data, a calculation may be made, that will probably approximate the true "number."—The "condition" of a large majority of them is unknown.

The returns of the State census for 1854, show but twenty-eight deaf and dumb, forty-seven insane, twenty-seven blind, and no idiots in the State. Many of the counties are not reported at all, and others are only partially reported. The county of Lee, for instance, is reported as containing no insane persons, whilst, according to the letter of Judge Johnstone (hereto appended), there were, at the very time the census was taken, eight lunatics kept at the county charge—four of whom were confined in the common

jail. According to his letter, there are not less than sixteen lunatics in the county of Lee alone. Mr. Bacon, Superintendent of the Blind Asylum, is satisfied that there have been as great errors in the enumeration of the blind. He is of the opinion that there are not less than two hundred blind persons in the State, of all ages; and accompanying this, is a list of such as are personally known to him.

There are, unquestionable, as great errors in the enumeration of the deaf and dumb.

About two years ago, Professor McGugin, of Keokuk, whose efforts to ameliorate the condition of the insane of our State, deserve the commendation of every human and Christian man,—attempted to ascertain their true number. To this end, in conjunction with Judges Lowe and Johnstone, he adressed circulars to every county in the State, containing inquiries as to the age, sex, etc., of each lunatic. Replies were received from only twelve counties, and from none of the most populous in the State. It appeared, from the returns made to him, that in the counties of Muscatine, Boone, Mahaska, Louisa, Scott, Davis, Marion, Dallas, Fayette, Henry, Iowa and Clinton, there were thirty-seven of these unfortunate persons, or within ten of the number, reported as within the entire State, in 1854.

Another evidence of the incorrectness of the returns, for 1854, is the fact that the number of insane persons does not correspond with the usual proportion of that class, to the general population of the United States. The returns show but one lunatic in 6,880 of our population, whilst the census of 1850, shows that in the population of 23,191,673, there were 15,768, insane, or one in 1,470 of the inhabitants.

According to the national census, of 1850, there were then domiciled, within the State, 59 Deaf and Dumb persons, 50 Blind, 42 Insane, and 94 Idiots.

The idiotic and the insane, were doubtless, in many instances, classed together. Indeed it is frequently very difficult to draw the line of distinction between those whose mental powers are naturally beclouded and those who have been bereft of their reason by extraneous and accidental causes. The total population of the State, in 1850, was 192,214. The population in May last, exceeded 326,000. Since then there has been a large increase. But taking 330,000 as the present aggregate population of the State, and admitting that these unfortunate classes of persons have increased in proportion to the general population, there must now be one hundred and thirty deaf and dumb, one hundred and twelve blind persons, ninety-five lunatics, and two hundred and eleven idiots. Allowing that one half of the idiots should properly be classed with the insane, and we would then have two hundred and one insane persons in the State, or one in 1,622, of our population, which is about the proportion in other western States. This number, also, corresponds very nearly with the proportion in the State of Indiana, where it is one in 1,707, and is supported by information derived from intelligent citizens residing in different portions of our State.

These lunatics are in various conditions of disease and treatment, but a large majority of them are wholly uncared for, or else confined in loathsome jails, in company with felons and outlaws. Professor McGugin, giving an account of his investigations into their condition, in a letter to me,

of the 14th inst., says, he found many "confined in jails, and there incarcerated in felon's cells, not for any crimes they had perpetrated, but because they were unfortunate enough to have lost their reason and the power of self control. Some of these unfortunates were among the most respectable, moral and intelligent of our citizens; nay, more, it is well known that some of those now in confinement, in our county jails, are accomplished and intelligent ladies. Others are confined in small tenements, or small apartments poorly warmed or ventilated, here kept confined and secluded, while that terrible malady was being visited upon them, without a hope of recovery."

In regard to the erection of buildings, I have but few suggestions to make. I am an advocate for economy. But I conceive that it would be the poorest possible economy to erect any other than the most substantial buildings. Unlike the deaf, dumb and blind, insane persons cannot be kept in ordinary buildings. Structures must be erected for their special use and treatment.

I think it would be wise to appoint Commissioners of intelligence and character, with authority to visit asylums for the insane in other States, to obtain plans for proper buildings, and to lay these plans before the Superintendents of those asylums, for such suggestions as their experience may dictate. Improvements are being constantly made in the construction, ventilation and heating of such structures, and the State should avail herself of all such improvements. It should be borne in mind, that it will be but a few years before a second asylum for the insane, will be required. This unfortunate class will increase with the population of

the State. Massachusetts, with a population of 994,514 has 1,661 insane, or one in 604 of her population. She has three asylums filled to overflowing.

Vermont, with 314,120 souls, not as many as there are now in the State of Iowa, has five hundred and sixty insane, or one in 569 of her population. Ohio is now erecting two new asylums, one in the northern and another in the southern part of the State. Our State asylum, therefore, should be located with a view to the future increase of the number.

Four years ago the General Assembly devoted the Saline lands to the State, to the establishment of an Insane Asylum. I have sought to ascertain the amount of money received from the portion of the lands sold, and the amount and condition of the lands yet unsold. I learn from the Treasurer of the State, that the amount of this fund paid into his hands is $14,855.60, of which he has paid under An Act of the General Assembly, to the Medical School, at Keokuk, $5,000, leaving now in the Treasury $9,855.60.

I find that no officer of the State is entrusted with the management and charge of the Saline lands. No one knows the amount sold and unsold; the amount yet secured to the State, nor the amount claimed by the State. I suggest that these lands be committed to the control of some State officer.

James W. Grimes.

To Governor Grimes.

DEAR SIR: I hasten to reply to your inquiries respecting the number, &c., of the insane in Lee county.

There are at present eight of these unfortunate persons kept at the public charge. Four of them have been confined, during the past season, and still are, in the County jail, and four remain at the County Farm. You are aware that Section 862, Chapter 50 of the Code of Iowa, requires, that such persons, when dangerous, &c., shall be confined in jail, a most improper place in my judgment. Such confinement is calculated generally to increase, rather than to alleviate their malady.

There are in our county, about eight or ten more insane persons, in addition to those above mentioned, kept and provided for by their friends. From the information I have on the subject, I believe many of the insane of Lee county might be restored to reason if placed under proper treatment.

About a year ago, Dr. McGugin, Judge Lowe, and myself, addressed a circular letter to the several judges, and other officers throughout the State, requesting information in regard to the number, condition, &c. of the insane in their several counties. The replies were directed to be addressed to Dr. McGugin, of Keokuk, from whom much intelligence on the subject might be obtained. I can only say now, that I am inclined to believe, from the information thus received, and otherwise, that there are from one to two hundred insane persons in the State.

Hoping that the Legislative Assembly, now in session, may not adjourn until ample provision has been made for this unfortunate class of our fellow beings.

I remain very respectfully yours,

EDWARD JOHNSTONE,

Judge of Lee County, Iowa.

IOWA CITY, IOWA, DEC. 19, 1854.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 17, 1855

From the Journal of the House of Representatives, p. 342

EXECUTIVE OFFICE, IOWA CITY, January 17, 1855.

To the Senate and House of Representatives:

I herewith transmit for your consideration, the resolutions of the General Assembly of the State of Rhode Island, "respecting the officers, soldiers and sailors who served in the war of 1812."

Also, resolutions of the same General Assembly, in relation to "cheap postage."

JAMES W. GRIMES.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1855

From the Journal of the House of Representatives, p. 413

EXECUTIVE OFFICE, IOWA CITY, January 20, 1855.

To the Speaker and House of Representatives:

I have received reliable information that large bands of the Sioux Indians are now within the limits of this State, and that an increase of their number is shortly expected. The frontier settlements are daily liable to molestation and apprehensions are felt in many quarters for the safety of our citizens.

It is known that the General Government is about to dispatch a body of troops to the Territories west of Iowa, for the purpose of chastising or intimidating this tribe of In-

dians, or some of their confederates, for depredations and hostilities committed in the neighborhood of Fort Lorimier and along the emigrant route to California and Oregon. It is fixed that when this expedition shall reach the Indian country, they will attempt to find shelter in the north west portion of the State and thus the whole confederated tribes of the Sioux be precipitated upon our frontier settlements.

There is no military organization in the State. The Executive of the State has no authority under the law, to use either persuasive or coercive measures, except in cases of insurrection or actual hostile invasion.

I submit to the General Assembly the facts as they have reached me, and shall be happy to concur in such measures for safety, as their judgment may dictate.

JAMES W. GRIMES.

TO THE SENATE

JANUARY 22, 1855

From the Journal of the Senate, p. 279

EXECUTIVE OFFICE, IOWA CITY, January 22, 1855.

To the President of the Senate:

In compliance with the resolution of the Senate of this date, I herewith enclose the report of the commissioners appointed by the last General Assembly, by resolution of 22d January, 1853, to investigate the affairs and examine the work of the Des Moines river improvement.

JAMES W. GRIMES.

TO THE HOUSE OF REPRESENTATIVES

JULY 8, 1856

From the Journal of the House of Representatives, p. 26

EXECUTIVE OFFICE, IOWA CITY, July 8th, 1856.

To the Speaker of the House of Representatives:

Sir—I have the honor to acknowledge the receipt of a copy of a resolution adopted by the House of Representatives, asking "the Governor to inform the House whether the improvements contemplated by the appropriation of the last General Assembly for the State Penitentiary, have been completed;" and to say in reply, that the improvements were made, the appropriation expended and the cells occupied before the close of the year 1855.

Your Obedient Servant,

JAMES W. GRIMES.

TO THE SENATE

JULY 10, 1856

From the Journal of the Senate, p. 45

EXECUTIVE OFFICE, IOWA CITY, July 10th, 1856.

To the President of the Senate:

Sir—In reply to the resolution of the Senate, adopted, on the 9th inst., inquiring what action has been had, if any, by the Commissioners appointed in pursuance of an act, entitled an "act to authorize the appointment of Commissioners to settle with State Officers and others, approved January 24th 1855," I have the honor to say, that according to the construction of similar legislative acts by the Supreme Court

of the State, no such commission has been legally constituted. The act referred to provided for the appointment by the President of the Senate and the Speaker of the House of Representatives of one Commissioner each, and directed that the Governor should act as the third Commissioner, and be Chairman of the Board. Before the close of the last session of the General Assembly, the President and Speaker attempted to exercise the power conferred upon them, but as the act of the General Assembly did not take effect until the month of July following, their appointments have not been regarded as valid. So far as I know, no subsequent appointments have been made by either of those officers; and hence there is not and has not been any legal commission in existence.

The failure of the law to answer the purpose contemplated in it, is wholly owing to the anomalous distribution of the appointing power, of which it is the only example in the whole history of legislation that has ever come to my notice. Very Truly, Your Ob't Serv't,

JAMES W. GRIMES.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

DECEMBER 10, 1856

From the Journal of the Senate, p. 62

EXECUTIVE OFFICE, IOWA CITY, December 10th, 1856.

To the Senate and House of Representatives:

I herewith transmit for your consideration a "memorial concerning shares in the Des Moines Navigation and Rail-

road company," addressed to the "Governor of the State of Iowa," by Donald Monroe, of the State of New York, who represents himself to be a stock holder in that company.

JAMES W. GRIMES.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

DECEMBER 12, 1856

From the Journal of the Senate, p. 87

EXECUTIVE OFFICE, IOWA CITY, December 12th, 1856.

To the Senate and House of Representatives:

Gentlemen:—I have the honor to transmit herewith the report of the Hon. Horace Mann and Hon. Amos Dean, composing a majority of the commissioners appointed to revise the school laws of the State.

I think the report will be found to contain the wisdom and experience of the best educationists of this country, and that the adoption of the system recommended will result advantageously to the State.

I know, gentlemen, that you will join me in an expression of thanks to the distinguished acting commissioners who have so generously devoted their time and labor to this work, without expense to the State.

JAMES W. GRIMES.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 7, 1857

From the Journal of the Senate, p. 187

EXECUTIVE OFFICE, IOWA CITY, January 7th, 1857.

To the Senate and House of Representatives:

In conformity with the request therein contained, I herewith transmit for your consideration the Joint Resolutions of several states of this confederacy:

1. Resolutions of the State of Rhode Island and Providence Plantation, in favor of the payment of the claims of American citizens for spoliations committed on their commerce under authority of the French Government anterior to the year 1800.

2. Resolves of the commonwealth of Massachusetts upon the same subject, seeking the same end.

3. Resolutions of the State of Michigan in relation to the construction of a ship canal around the falls of Niagara.

4. Resolutions of the State of Alabama in favor of the abolition of the duty on Railroad iron.

5. Resolutions of the State of Connecticut in relation to the abrogation of the Missouri Compromise.

6. Resolutions of the State of Vermont in relation to Kansas.

7. Resolutions of the State of Ohio in regard to Kansas.

8. Resolutions of the commonwealth of Massachusetts in relation to Kansas.

9. Resolutions of the commonwealth of Massachusetts on the same subject.

10. Resolutions of the State of Maine relating to slavery.

11. Resolutions of the State of Rhode Island and Providence Plantations, asking of Congress the imposition of secure penalties against the introduction or importation into this country of foreign paupers and foreign criminals.

12. Resolutions of the State of New Hampshire, on the same subject, and containing the same prayer.

13. Resolves of the State of Maine, relating to the extension of Slavery, and denunciatory of secret political associations.

14. Resolutions of the State of Arkansas on the subject of Slavery, and condemning the fanaticism of the people of Ohio.

15. Resolutions of the State of New Hampshire, responding to the foregoing resolutions of the State of Arkansas.

JAMES W. GRIMES.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 7, 1857

From the Journal of the Senate, p. 208

EXECUTIVE OFFICE, IOWA CITY, January 7, 1857.

To the Senate and House of Representatives:

In obedience to instructions of the General Assembly, embodied in their Resolution entitled a "Joint Resolution making an appropriation for the State Library," approved the 25th January, 1855, I purchased, on the 16th day of September last, of Banks, Gould & Co., of New York, one

hundred and one volumes of law books, at a cost of three hundred and thirty dollars, and of Daniel Appleton & Co., three hundred and three volumes of miscellaneous books, at a cost of five hundred and sixty-four dollars, sixty-six cents; all of which have been deposited in the State Library.

I was instructed by the Joint Resolution to expend four hundred dollars in law books, but as the catalogue furnished by the Judges of the supreme court, of such books as they desired to be procured for the law library, only amounted in value to two hundred and seventy-four dollars, I did not think proper to expend more than the amount before stated for this purpose, and therefore expended the balance of sixty-four dollars, sixty-six cents, in the purchase of miscellaneous books.

The amount drawn by me from the Treasury under the Joint Resolution, was..		$900.00
Amount paid Banks, Gould & Co., ...	$330.00	
Amount paid Daniel Appleton & Co., ..	564.66	
Total amount expended, ...		894.66
Leaving an unexpended balance of		5.44

I transmit you herewith the receipted bills of Banks, Gould & Co., and Daniel Appleton & Co., and a duplicate copy of the receipt of the Treasurer of State, for five dollars, forty-four cents, it being for the unexpended balance of the appropriation, which I have deposited in the State Treasury.

JAMES W. GRIMES.

TO THE SENATE

JANUARY 13, 1857

From the Journal of the Senate, p. 292

EXECUTIVE OFFICE, January 13th, 1857.

To the President of the Senate:

Sir—I am just in receipt of the Senate resolution requesting me to communicate to the Senate any information in relation to the erection of public buildings at Fort Des Moines.

In relation to the buildings now in process of erection at Fort Des Moines, and which I am informed is intended for the use of the General Assembly, I know but little.

I understand it to be yet in an unfinished condition, though near completion. I am not prepared to express an opinion as to the strength and thoroughness of construction, style of finish, &c., &c., nor do I suppose such an expression of opinion is desired.

In regard to this subject of capitol buildings, I beg leave to refer you to the enclosed copy of a letter to A. M. Lyman and Wm. McKay, Esqrs., dated 31st January 1855, and written in view of the responsibility that might, under certain circumstances, devolve upon the Governor of the State in connection with the matter.

I am your ob't serv't,

JAMES W. GRIMES.

PROCLAMATIONS

ON THANKSGIVING

SEPTEMBER 20, 1855

From Original MS. in the Office of the Sec. of State Des Moines

It is a venerated custom in the older States of this Union, to dedicate one day towards the close of each year, to Public Thanksgiving and praise to God, for his continued blessings and protection. Such public recognitions of the government of a Divine Ruler, and such manifestations of gratitude for benefits received at His hand, are worthy of imitation everywhere, and eminently become the people of Iowa.

The past year has been crowded with blessings to our State. We have been exempt from pestilence. Abundant harvests have rewarded the toil of the husbandman. We have been preserved from intestine commotions and bloodshed. No distracting evils have occurred to impede our prosperity. Our population, wealth, and productive resources of every character have increased in a wonderful degree. The facilities for educating the youth of the State have been greatly multiplied. Steps have been taken to establish charitable institutions corresponding to the progress and spirit of the age, and the demands of humanity. There are evidences all around, that the State has made unexampled progress in everything that tends to promote her best physical and moral interests.

As citizens, we have enjoyed liberty without licentiousness. Civil and religious freedom, without distinction of party, sect or nationality, have been enjoyed by all.

Our nation has been prosperous. Peace has been preserved. While other nations have been plunged into bloody and desolating wars, we have been preserved from that great calamity.

For these, and for numberless other blessings, it has been deemed proper that a day should be set apart by the Executive of the State for praise and thanksgiving.

Therefore, I, James W. Grimes, Governor of the State of Iowa, do designate *Thursday the 22d day of November next*, as a day of public thanksgiving and praise to Almighty God, for the innumerable blessings, which as a people and individuals, we have enjoyed.

I recommend that the people of the State assemble on that day in their respective houses of public worship, and devoutly raise their hearts and voices in gratitude to our Heavenly Father for his past Protection; and beseech its continuance. Let us give thanks that He reigns; that we are the product of His hand and not of a blind, unreasoning chance. Let our hearts swell with gratitude for the blessings of CIVIL AND RELIGIOUS LIBERTY; and pray for their extension to every human being. Let us be thankful that War, with its devastation, its slaughter and its agonies does not desolate our land; and pray that Peace may be established among all mankind. Let us be thankful for the GOVERNMENT we have inherited from our fathers; and pray that it may ever be preserved worthy of the confidence and support of their descendants. Let us be

thankful for COMFORT and PLENTY, for PEACE and ORDER, for the means of EDUCATION, for HEALTH and for all other national and personal blessings. Let us ask to be preserved "alike from POVERTY and RICHES," from BIGOTRY and INTOLERANCE, from PRIDE and HATRED, from ANARCHY and CIVIL STRIFE, from IMMORALITY and CRIME of every grade.

But above all, let us be thankful for the CHRISTIAN RELIGION, which has raised man from a State of barbarism—given him the means of intelligent happiness in this life and the hope of glory in that which is to come.

In TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the Great Seal of the State of Iowa.

(L. S.) Done at Iowa City, this 20th day of September, in the year of our Lord, 1855, of the Independence of the United States the eighteenth, and of the State of Iowa the ninth.

JAMES W. GRIMES.

BY THE GOVERNOR;

GEO. W. MCCLEARY, *Secretary of State.*

CONVENING THE GENERAL ASSEMBLY IN SPECIAL SESSION

JUNE 3, 1856

From MS. Copy of Executive Register, Vol. I, p. 312—in the Office of the Sec. of State, Des Moines

Whereas, it is believed that subjects of vital importance to the State of Iowa, demand immediate legislative action;

Therefore I, James W. Grimes, Governor of said State, by virtue of the authority in me vested, do hereby convene the General Assembly of said State, in special session to be begun and held at Iowa City on Wednesday the second day of July next, at 2 o'clock in the afternoon of said day.

In Testimony Whereof, I have hereunto set my hand and caused to be hereto affixed the great seal of the State of Iowa.

(L. S.) Done at Iowa City, this 3d day of June, 1856.

James W. Grimes.

By the Governor:

Geo. W. McCleary, *Secretary of State.*

DECLARING THE VOTE ON THE QUESTION OF A CONVENTION

September 10, 1856

From Original MS. in the Office of the Sec. of State, Des Moines

Whereas "at the general election in the State of Iowa held on the first Monday of August last there was a poll opened in each township & election precinct, for the purpose of taking a vote of the people, for or against a convention to revise or amend the present Constitution of this State," of which election due returns have been made and the votes canvassed.

Now therefore, I James W. Grimes Governor of said State do declare and make known that there were polled *for* a convention *Thirty two thousand seven hundred & ninety*

votes and *against* a convention *Fourteen thousand one hundred and sixty-two*, being a majority in favor of a convention of *Eighteen thousand six hundred and twenty-eight* votes. And I do furthermore declare that an election of delegates to said convention will be held on the Tuesday after the first Monday in November next, the election to be conducted and the returns made according to the provisions of the Code regulating general elections and an act entitled "an act providing for the revision or amendment of the constitution of this State," Approved January 24th, 1855.

In testimony whereof I have hereunto set my hand and caused the great seal of State to be hereunto affixed.

Done at Iowa City this tenth day of September A. D. 1856.

JAMES W. GRIMES

BY THE GOV.

D'r General

Please have this published & distributed

Yours truly

JAMES W. GRIMES

OFFERING A REWARD

OCTOBER 23, 1856

From MS. Copy of Executive Register Vol. I, p. 334—in the Office of the Sec. of State, Des Moines.

Whereas two unknown persons were murdered in the County of Poweshiek in this State on or about the 26th day of September last, which acts are supposed to have been perpetrated by two men also unknown.

Now, therefore, I, James W. Grimes, Governor of the State of Iowa do hereby offer a reward of One thousand dollars for the apprehension and delivery of the guilty parties to the Sheriff of said Poweshiek County, or the sum of five hundred dollars for the apprehension & delivery as aforesaid, of either of them.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

(L. S.) Done at Iowa City this 23rd day of October, 1856.

JAMES W. GRIMES.

BY THE GOVERNOR,
GEO. W. MCCLEARY
Sec. of State

ON THANKSGIVING

OCTOBER 28, 1856

From MS. Copy of Executive Register, Vol. I, p. 335—in the Office of the Sec. of State, Des Moines

Another year has passed, freighted with blessings to the people of Iowa.

As a State, they have experienced unexampled prosperity. As citizens, they have been protected in the full enjoyment of their civil and religious rights. As individuals they have been blessed with health and friends and personal prosperity.

For these, and for all the blessings of life, it becomes them to recognize and adore the Divine Goodness, and to

show by their acts and their words, their gratitude for his constant benefactions.

Therefore I, James W. Grimes, Governor of the State of Iowa, do hereby designate and appoint Thursday, the 20th day of November next, as a day of public Thanksgiving and praise.

I do respectfully request the people of this State to abstain on that day from their ordinary avocations and to assemble at their usual places of public worship, there to give thanks to Almighty God for the blessings of the past year.

And whilst we adore with gratitude, his protection, let us seek for its continuance. Let us beseech Him to preserve our Nation from war and intestine feuds; and that it may become great, virtuous and honored. Let us pray that our hearts may be ever kept in harmony with the requirements of his government. Let us pray that the benign influences of the Gospel may be everywhere extended. And especially let us beseech Him to so move our hearts, that during the approaching inclement season of the year, we shall be prompt to succor and sympathise with the needy and distressed.

In Testimony Whereof, I, have hereunto set my hand, and caused to be affixed the Great Seal
L. S. of the State of Iowa. Done at Iowa City, this 28th day of Oct., A. D., 1856.

JAMES W. GRIMES.

BY THE GOVERNOR
GEO. W. MCCLEARY
Secy. of State

DECLARING THE ADOPTION OF THE NEW CONSTITUTION

SEPTEMBER 3, 1857

From MS. Copy of Executive Register, Vol. I, p. 394—in the Office of the Sec. of State Des Moines

Whereas an instrument known as the "New Constitution of the State of Iowa" adopted by the constitutional convention of said State on the fifth day of March A. D. 1857 was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection.

And whereas an official canvass of the votes cast at said election shows that there were Forty thousand three hundred and eleven votes cast for the adoption of said Constitution and Thirty eight thousand six hundred and eighty one votes were cast against its adoption, leaving a majority of sixteen hundred and thirty votes in favor of its adoption.

Now therefore I James W. Grimes, Governor of said State, by virtue of the authority conferred upon me, hereby declare the said New Constitution to be adopted, and declare it to be the supreme law of the State of Iowa.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L. S. Done at Iowa City this Third day of September A. D. 1857 of the Independence of the United States the Eighty second and of the State of Iowa the Eleventh.

JAMES W. GRIMES.

BY THE GOVERNOR

ELIJAH SELLS

Secretary of State.

DECLARING THE LOCATION AND ESTABLISHMENT OF THE CAPITAL AND THE STATE UNIVERSITY

OCTOBER 19, 1857

From MS. copy of Executive Register, Vol. I, p. 400—in the Office of the Sec. of State, Des Moines

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Whereas, since the adoption of the New Constitution of Iowa, doubts have arisen as to the validity of the official acts performed by officers of State at any other than the place mentioned in said instrument as the Capital of the State;

And Whereas, the 10th Section of an act entitled "An Act to relocate the Seat of Government" approved 25th January 1855 provides that "when buildings are prepared for the accommodation of the General Assembly and the officers of State, which in the opinion of the Governor are suitable therefor, he shall issue his proclamation to that effect, and from that time the General Assembly shall meet and the officers of State keep their offices at such new seat of Government. Provided that said buildings shall be erected without expense to the State, &c"

Now therefore I James W. Grimes, Governor of said State do hereby declare and make known that in my opinion suitable buildings for the accommodation of the General Assembly have been prepared upon the site selected for the Capital by the Commissioners appointed under the act aforesaid and I do hereby declare the Capital of the State of Iowa to be established under the constitution and laws of the State at Des Moines in Polk County and the University

of the State to be established at Iowa City in Johnson County.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L. S. Done at Iowa City this 19th day of October A. D. 1857 of the Independence of the United States the 82nd and of this State the 11th.

JAMES W. GRIMES

BY THE GOVERNOR,
ELIJAH SELLS
Secretary of State

ON THANKSGIVING

OCTOBER 22, 1857

From MS. Copy of Executive Register, Vol. I, p. 401—in the Office of the Sec. of State, Des Moines

The revolving seasons having brought us near the close of another year, and again have the people of Iowa reason to rejoice and give thanks for the blessings they have enjoyed.

The State has experienced a year of extraordinary prosperity. Rich harvests have rewarded the toil of the husbandmen. Pestilence has not invaded our borders.

We have been preserved from civil strife and foreign wars. We have been protected in the enjoyment of all our civil and religious rights. For these and for numerous other blessings it becomes the people of Iowa publicly to

recognize the government of a Divine Ruler and to manifest their gratitude for the benefits received at his hands.

Therefore, I, James W. Grimes, Governor of the State of Iowa, do designate and appoint Thursday the 26th day of November next, as a day of public thanksgiving and praise to Almighty God.

I recommend the people of this State to abstain on that day from their ordinary avocation, and to assemble in their usual places of public worship, there to give thanks for the blessings of the past year and to devoutly supplicate their continuance.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L S Done this 22nd day of October, A. D. 1857 of the Independence of the United States the Eighty second, and of the State of Iowa the Eleventh

JAMES W. GRIMES

BY THE GOVERNOR

E. SELLS

Secretary of State

GOVERNOR RALPH PHILLIPS LOWE

BIOGRAPHICAL SKETCH

Ralph Phillips Lowe, the fourth Governor of the State of Iowa, was born in Warren County, Ohio, on November 27, 1805. In 1825 he entered Miami University. After graduating from the University in 1829, he went South and settled in Ashesville, Alabama. Here he taught school and read law. In 1834 he returned North and formed a partnership in the practice of law with his brother Peter P. Lowe, at Dayton, Ohio. In 1837 he married Phoebe Carleton. He removed to Iowa in 1840 and settled at Bloomington (now Muscatine). Later the town of Keokuk became his residence.

Mr. Lowe was a member of the Constitutional Convention of 1844. At one time he served as District Attorney. Later he became Judge of the District Court. In January, 1858, he became Governor of the State. Two years later he was succeeded in that office by Samuel J. Kirkwood. After retiring from the office of Governor, Mr. Lowe was elected Judge of the Supreme Court. This position he held until 1868.

The closing years of his life were spent at Washington, D. C., where he died on December 22, 1883. He was buried in Greenwood Cemetery, Washington.

Bibliographical Note.—The most satisfactory account of the life of Governor Lowe is found in the *Iowa Historical Record*, Vol. VII, p. 145.

INAUGURAL ADDRESS

JANUARY 13, 1858

From the Journal of the Senate, p. 43

Gentlemen of the Senate and House of Representatives:

On assuming the office of Chief Executive of the State, it becomes my duty to point out to you, as a co-ordinate branch of the Government, some of the principles, which in my opinion, should guide us in the administration of its affairs.

Legislation is a high sovereign power, to be exercised with great wisdom. Its sanctions are found in the proper discharge of our responsibilities to the people from whom the power is derived.

We have reached an important juncture in the history of this State, and are charged with the initiative of laws and measures bearing upon its administrative policy which gives peculiar emphasis to our public duties.

Aside from this, there are other circumstances connected with our Federal relations, and the financial posture of affairs, by which all business transactions have suddenly been deranged; the commercial sky over-clouded, the whole country smitten as with a palsy, and this period marked as one of uncommon solemnity.

But every age must teach its own lesson. The lesson of this age of great movements and great peril is, first, that of limiting the credit system to its rightful sphere. Secondly,

that of giving back to agriculture her just and full proportion of the industrial forces of society; for it is plain that when the commercial classes become numerically larger than is necessary for the exchange and distribution of the products of the earth, and the fabrics of its work-shops, (as unquestionably was the case at the commencement of the late financial and commercial crises,) the effect must be to disturb that equilibrium in the division of labor, so essential to a healthy condition of the world's business.

This undue enlargement of buyers and sellers in which is included the whole circle of traders and speculators, whether in merchandise or land, at the expense of field culture, has contributed in my judgment its full share in bringing upon the country that embarrassment which is its just retribution.

Its effect is to engender a spirit of cupidity and reckless speculation; it multiplies the employment of unnatural expedients to live *easy*, and without much toil. This is subversive of the law of our being. Toil is the Providentially appointed allotment of man at birth. Husbandry in its enlarged sense is the basis of society, furnishing not only the pabulum of life, but the material for clothing the world.

All other branches of business are but its incidents. Thin the ranks of its votaries, and crowd the channels of trade and commerce, and you bring into being a train of disturbing evils that must result in disaster.

No maxims of political economy, however well observed —no system of currency, however nicely adjusted or guarded, can compensate for this departure from the law of labor.

Let agriculture, the vanguard of all other occupations,

have its full and appropriate share of the industrial forces of the country, with a commerce just equal to a fair distribution of its products, always following, and never in anticipation of its annual crops, and the world's affairs and business will in the main flow on with comparatively a smooth and full stream.

Happily for the people of Iowa, the sun in its brilliancy looks not down upon a fairer land, for the exemplification of this great regulating element in the economy and business of life. Here the ignorant and humble, as well as the more intelligent and elevated peasant—the amateur husbandman —the professional and literary man—the statesman and politician, and the representative men of the highest style in the country, may pay their homage to this primeval employment of man, and secure to the general husbandry its highest conception and development as a system and as a science. There is not perhaps another 50,914 square miles in one body upon the globe, that can offer so many broad acres of unrivalled fertility, and of such high adaptations for the staples of life, as the State of Iowa. Two of the largest navigable rivers in the world, lave her eastern and western borders; her plains abound in coal-beds and other mineral. There are no natural causes of insalubrity within her realm. The course of her prairies and the physical configuration of the surface, invite the atmosphere of the snowy mountains in copious currents over her extended plains, bearing upon their wings the invigorating vitality that gives quickness and elasticity to the step, and endurance to the toiling energies of its people.

This goodly land, thus blessed in its natural conditions,

has undergone an almost magical transition from Nature's wilderness to the cultivated fields; the flourishing villages and populous cities of civilized and enlightened man; and in this attitude presents a subject of reflection unsurpassed in interest in the annals of the world.

The condition of State sovereignty which it rapidly attained, has recently been amplified, and is now about to manifest itself through a more perfect organization, legislative, judicial and executive. Over this combination of supreme powers you are called to extend a legislation that shall give effect and operation to its recently modified and improved fundamental law; to revise, correct and harmonize existing enactments; to establish a policy suited to the rapidly unfolding resources of a State, and to lay the foundations of an empire that can under beneficent laws and a wise system of field culture, support five to eight millions of inhabitants.

It should be our aim to emulate, if not surpass, the best model of a State Government in the Union. We are *one* of a great confederacy of States; each existing under its highest form of organization as a body politic; each in its constitutional sphere independent of the others, and all possessing their own peculiar system of policy, adapted to their geographical positions, the habits and pursuits of their people, and the capabilities of their soil. None are perfect, yet all are commissioned to promote the public weal. It is a noble contest between a galaxy of sovereign States, as to which shall present to the world *the* model government.

The first great element of all prosperity is to conduct the

affairs of the State upon Christian principles. In this way the Divine will is honored, and the spirit of God breathes through the combined intelligence of the people. This principle in our own political system raises itself in majestic serenity above the strifes of parties, and the conflicts of sections, and being based upon the dictates of pure reason, promotes a degree of perfection in systems of State policy not otherwise attainable.

One important method of displaying a just regard for the principles of christianity, is to give due attention to the benevolent institutions of the day. The hand of charity should be extended to all the varieties of human want; multiplying its forms of action in proportion to the forms of suffering; in the erection of hospitals, lunatic and deaf and dumb asylums; in establishing dispensaries and poor houses; in opening receptacles for the reformation and punishment of the vicious and wicked; founding institutions of learning of a high order, with charity scholarships, and perfecting our common school system. It is known that throughout our State there are many unfortunate human beings bereft of reason, for whom no adequate provision has yet been completed. There are others to whom the light of Heaven comes not, whose eyes are closed to the happy smiles of friends, and the beauties of the world; and some who hear not the voice of love and the whispers of living nature. The poor maniac needs prompt and efficient sympathy and kindness and restoration to society, and whilst humanity rejoices over the result of institutions reared for his benefit, experience cheers us with the knowledge that we can almost open the eyes of the blind, and unstop the ears of the deaf.

These public enterprises demand no specification at my hands on this occasion. Their establishment is among the duties which every state owes to its citizens, and we should endow and foster them in all their best forms and appointments.

I only mention them, to say, that as God has given unto us the fairest heritage in all the earth to inhabit, let us not dishonor the *gift*, by erecting upon it institutions, or passing over it a code of laws less wise and beneficent than those of other countries, or which shall fail in their conception and design to reflect back the beauty, richness and excellency of the land they are intended to bless.

Upon this idea has the lunatic asylum at Mount Pleasant, been wisely commenced. Let it go forward and be completed upon the principle and design of making it a model institution of the kind, as every other kindred institution should be. It is only upon this line of policy that we can hope to lay claim to anything like State superiority in this department of the public service.

Economy in the administration of the public business should never be overlooked. But true economy consists in a faithful and wise application of the means of the State, in commanding the services of the best men, ordaining the best system of laws, and establishing the highest order of institutions. In the just acceptation of the principle of public economy we cannot accept any other terms.

In the main each State is to perform her own works of charity. But there is one description of these humane and provident institutions to which I desire to make special reference, as they are national rather than local in their

character. I allude to marine hospitals. We have distinguished precedents for calling the two great rivers that wash our shores, *inland seas*. They bear upon their bosom a heavy and a growing commerce, next in importance to that which floats upon the more expanded realms of the open seas. The vessels of many States ply upon their waters, and they throw upon our borders annually no inconsiderable number of afflicted and disabled watermen. These are not our citizens alone; they belong to the carrying trade of the whole country, and they should be kindly cared for at the public expense. Our associated relation to the General Government makes it your duty, early and persistently to press upon the consideration of Congress the importance not only of erecting marine hospitals at the proper points, but that also of custom-house and portal buildings, at those places made ports of delivery, and where distributing post offices have been established if the amount of business connected with these branches of the public service will justify the same.

Cordially approving and adopting the views and suggestions contained in the message delivered by my worthy predecessor upon all the ordinary topics of legislation, it is only necessary for me to recur in general terms to some of those things which impress my own mind with their importance.

The unexampled increase of our population the last two or three years, has had the effect to exhaust all the copies of the Code, as well as the pamphlet laws subsequently enacted, leaving a large body of our citizens destitute of the means of knowing the laws under which they are living.

This evil should be remedied at as early a period as practicable. Six years practice under the Code has brought to light many defects, especially in the chapters regulating our civil procedure, which ought now to be reformed. This done, the publication of a new edition of the Code and pamphlet laws, including the new practice act, might perhaps be left to individual enterprise, as it is known there are persons now preparing and taking the initiatory steps for such a publication.

I rejoice to know that the people of Iowa have been singularly fortunate in the selection of so competent and intelligent a body of men for the transaction of their business. No occasion has arisen in the State, in my judgment, demanding the exercise of more wisdom, sound discretion, and statesmanship, than the one on which you are now convened.

But in view of the great amount of other business which will occupy your attention during the session, I beg to recommend the appointment of two or three competent legal gentlemen to act at once in conjunction with special committees constituted for that purpose, in revising, amending and getting up a more efficient and perfect practice act, to the end that the same may go out with the publication of the other laws in the spring—and the people of this State be blessed with a system of civil and criminal procedure, under which the great principles of justice and right can be administered—all wrong suppressed—goodness and virtue protected—and evil doers punished.

In this connection I cannot forbear making allusion to the great inadequacy of the State Penitentiary to effectuate

the objects proposed. It is under the management of highly competent inspectors, who can, with the generous aid of your body, make it what it should be, a first class, self-sustaining institution. The absolute demands of criminal justice in this direction, admit of no denial or delay. The report of the Inspectors will tell its own story, and command, I doubt not, your very considerate and prompt attention.

The practical experience of the whole country attests the indispensable utility of railroads. Although diffusive in the benefits they bestow, extending themselves to every class in community, yet the country is indebted for the most part, to individual capital and enterprise for their construction. This fact should bear down with great urgency upon the mind both of the State and National Government, to hold up the hands and encourage the hearts of the noble and self-sacrificing few, who manifest a willingness to peril much of their fortunes, to push forward a description of improvement that marks one of the great features of the age.

The new Constitution contemplates important legislation upon our judiciary and militia system, upon the school lands and funds, and a radical change in our educational department, as well as other subjects, upon all which it will afford me pleasure to communicate freely with you during your deliberations.

The questions of currency and agriculture are new subjects of legislation in this State, authorized and enjoined by the Constitution, and possess no ordinary significance.

In the absence of a national paper currency, and with an

established policy of seventy years' standing in the use of a mixed currency of paper and metal by the States, each for itself providing and regulating its own circulating medium, it would seem to be the very climax of human folly for a single State, possessing equal powers, to *lean* wholly upon other States and foreign corporations for its currency. Yet Iowa, from the beginning, has been guilty of this great folly, the effect of which has been to keep out that amount of fair proportion of gold and silver, which a wise and well regulated banking system would have necessarily supplied; and subjected us to the necessity, as well as all the hazard of employing the paper of a thousand banking institutions in other States, at an immense annual cost, in the shape of interest, failures and counterfeits; and now, when the whole country is overtaken by a money crisis, in which many of these banks have gone into liquidation, and others withdrawn their issues, we find ourselves entirely destitute of a circulating medium.

It is needless to disguise the fact, that like the balance of the civilized world, we are greatly in debt—with no disposition, however, to break faith with our creditors. Possessing millions of produce and other good property, still we have no money or available credit to meet our liabilities.

A sudden enforcement of these liabilities under the circumstances, would be as disastrous as it would be cruel towards the people of this State; and the question may be seriously propounded, whether any principle in ethics would be violated in affording reasonable time and that relief which shall be fair to all parties, for the liquidation of these liabilities.

As the State in its sovereign capacity has clearly been at fault in not providing the way for supplying a safe, sound and reliable currency of her own, that our people might be placed on an equal footing, and with like advantages and privileges enjoyed by the people of other States, she is bound by every consideration of fairness, to repair and uphold the falling fortunes of the people, so far as they are effected by the want of a home circulating medium.

According to the statistics of the Federal treasury, there is now in the country $260,000,000 of dollars of specie; $60,000,000 of this form the basis of bank issues in other States. Had we ten years ago established a wise State Banking System, endowing it with the attributes and powers of similar institutions, the probability is, that to-day we would have had our fair proportion of this specie, both in the circulation of the State and the vaults of our banks, justifying the issue of an amount of paper which by its pliability to sudden emergencies, would greatly relieve our people in these days of evil portent, or at least keep them from falling into a worse condition than our fellow countrymen in other States.

Forgetting however the errors of the past, let us make haste to retrace our steps; do now what should have been done years ago—make provision for a sound and an adequate currency of our own.

It is competent for you to frame a general law, under which either or both of the banking systems contemplated by the Constitution may be established. It is perhaps unnecessary for me to indicate my opinion in regard to the relative merits of the one or the other, or to venture any

suggestions as to the provisions which should enter into the frame work of either. The very large amount of gold and silver in the country justifies the conclusion, that an actual specie basis would be obtained under a banking law wisely conceived as to the privileges it conferred and the limitations it imposed. There is often power in words. Confidence is an important element in all banking operations. The word *State*, in a government well ordered and conducted, is with many the synonym of confidence. These facts, with others, would determine my own mind in favor of a wisely adjusted State Banking System. Let it be established under the best lights you can obtain, protecting the bill-holder, inviting the capitalist, issing no bills under the denomination of five dollars.

The constitutional requirement upon the General Assembly to encourage and foster agricultural improvement, must have had its origin in a knowledge of the fact that the legislation of the country everywhere has been disposed heretofore to ignore "this first born of civilization."

It is true that a high state of prosperity requires the promotion of every branch of industry, and the cultivation of all the arts and sciences; but agriculture is the precursor of all these, and from the character of our soil and the nature of our geographical position, must be the great leading avocation of our people, and therefore the first interest to be considered and improved.

But the question recurs, how can this injunction of the Constitution be carried out, and the highest capabilities in the economy of field labor and general husbandry be attained, by anything which the State in its sovereign capacity can do?

It is believed that the first step in this direction, after affording due encouragement to the county and State Agricultural Societies, is to establish an Agricultural Bureau as a distinct department of State, similar in its functions and appointments to the one proposed and enacted by one branch of your body three years ago, but lost in the other.

It should hold the same relation to the people of this State, that a similar department in the Patent Office at Washington City does to the whole country. Putting itself in connection with that office, and all the Agricultural Societies in the land, its great office would be to introduce new and valuable seeds, both of the cereals and vegetables; direct their culture; gather up agricultural statistics and information from the best farmers everywhere, and disseminate the same largely among the generation of free laborers who now or may hereafter occupy our plains.

But, secondly, agriculture, in her higher aims and purposes, is a science, and demands the application of scientific knowledge to the labors of the field. This involves the necessity, at a proper time, of establishing Agricultural Schools, in connection with experimental farms, where the natural sciences bearing upon her domain, may be taught and applied; such as geology—organic chemistry—botany —physiology—zoology—atmospheric properties and influences, &c. To elaborate the connection between these sciences and the object of Agriculture, which has its outgoings in the infinite, is neither expected nor demanded in this communication.

I only speak of one other method of maintaining an elevated system of Agriculture, and that is to keep all her

manipulations and processes under the dominion of *free labor*.

To work is a privilege, as well as one of the conditions of life.—Labor intelligently directed by the masses is the source of untold blessings, affecting no less the moral destiny of the race, than the physical improvement of the State. It is strange in this age of the world, and in a land of Constitutional liberty, we are compelled to insist upon the freedom of labor; yet the necessity of doing so, is no less strange than painful.

This birth-right of the American citizen has been seriously menaced, by a growing sentiment in favor of slave labor in one section of the Union. The two cannot exist upon the same soil. The introduction of the one is the disparagement of the other. They are natural and irreconcilable foes.

Free labor is diffusive in its benefits,—equalizes the condition of men—strengthens the moral principle of a country—is progressive in its movements, availing itself of the aids of science in its several departments of industry; whilst slave labor dispenses its benefactors to the few—presses hardly against the interest of the many—brings premature decrepitude upon the country, by its wasteful and exhausting tillage, and to *live* must not only enlarge but often change the field of its operations. This naturally induces a spirit for territorial aggrandizement in order to perpetuate slavery, and to extend the political power of one section of the Union, in derogation of the rights of the other, and has brought on a contest between freedom and slavery that has absorbed all the other political questions of the day.

The meeting of these two systems of labor face to face in Kansas, has imparted no little interest to this conflict. Passing by, however, the monstrous frauds, usurpations, violence, and utter disregard of the democratic principle of allowing the people to choose their own rulers and make their own laws, which thus far have marked the progress of this contest in that Territory, I beg leave to go back of all these, and refer to an assumption of power, or constitutional right, which has justly alarmed and excited the jealousy of the North, and, it is apprehended, will give long continuance and bitterness to this unfortunate contest. I allude to the recent interpretation of the Constitution of the United States which nationalizes slavery, and opens the door for its universality in all the Territories of the government. This extraordinary construction of the charter of our liberties, was first enunciated by the southern section of the Supreme Court in the Dred Scott case, afterwards adopted by one of the political parties of this country, and followed up by a distinct recognition on the part of the present Chief Magistrate of the Union.

This distinguished functionary has been pleased to inform the people of this country, that slavery, under the Constitution as now *expounded*, may not only be extended beyond the bounds where it now is, but that it already exists practically or theoretically in all the national domain.

If this be so, the investiture of this privilege in 350,000 slave-owners, is a virtual abnegation of the rights of 25,000,000 of nonslave-holders in the occupancy of all these lands. For, it will be confessed that free and voluntary labor will not unite with involuntary and compulsory

labor in reclaiming all these territories and transforming them into the culture, the arts and the adornments of civilization.

But, it is said from high authority, as a palliative for the exercise of this right under the Constitution to take and hold slaves upon the free territories of this country, that "*when the residents of such Territories proceed to form a State Constitution, then it is their right to decide the important question for themselves, whether they will continue, modify or abolish slavery.*"

But, how a right recognized and guaranteed by the Constitution of the United States, can be thus summarily disposed of, is not readily perceived. It must be founded upon the idea either that the Constitution is not the paramount law of the land, or that it contains a limitation upon this right. It is believed that neither of these postulates can be maintained; and it follows that if this right exists at all, it is an absolute, continuing right, as the other franchises of that venerable instrument are, which no State power can divest, either after it has been exercised, as in Kansas, or in anticipation of its exercise, as Iowa has attempted to do, in prohibiting it in her Constitution. If this construction be the true one, then, as a logical consequence, and as has already been claimed in some quarters, slavery exists theoretically in all the free States of this Union, and the right need only be asserted to make it so practically.

By thus interpreting the Constitution of the United States, so as to make it sanction the legal right to own and hold slaves wherever the flag of the Union goes, the people of the free North are made an involuntary party to all the

evils, political and moral, which attach themselves to this institution, and must share with the South whatever responsibility there may be connected with it as a subsisting national establishment. They protest against being implicated in so great a wrong. To their moral sense, slavery is odious and forbidding. They had been accustomed to view it as a State institution, over which neither they nor the General Government had any control.

But if this new political faith on a subject so exciting is now to obtain, it must be regarded as the foreshadowing of evil days to the commonwealth. Under it, the enfranchisement of free labor is everywhere in peril. Iowa, the offspring of those liberal sentiments that prevailed in the better days of the Republic, when it was deemed no infringement either on the Constitution or the rights of the South, to consecrate *her soil to freedom*, has been no idle spectator of these aggressive movements against the rights of the North. In the late election, she recorded her protest against that perversion of the Constitution, which is breaking down one of the fortresses of liberty in this country. She has been taught to believe that that sacred instrument was intended as the "*bond of deliverance from all wrongs and freedom to all ranks.*"

And whilst it is no part of her purpose to cherish animosities towards any one section of our common country, but would rather counsel peaceful relations and good neighborship, she intends to resist all inroads upon the faith and doctrines of the framers of the Constitution, as well as all encroachments upon the principles of political equality. And if it is permitted her to have limbs, free to toil, hearts,

free to beat, and minds to think, she will continue to give evidence of her loyalty to the national Union, the perpetuity of which is the herald and pledge of "the hope that comes to all."

RALPH P. LOWE.

DES MOINES, JANUARY 13, 1858.

BIENNIAL MESSAGE

JANUARY 9, 1860

From the Journal of the House of Representatives, p. 14

Fellow Citizens of the Senate, and House of Representatives:

Representing the Executive Chair, it becomes my duty, under the constitution, to communicate to the General Assembly, the condition of the affairs of the State, as administered in its several departments, and to recommend such measures, as to me shall seem expedient for your action.

The period that has elapsed since your last biennial session, has been one of great disturbing causes and anxious solicitude to all classes of our citizens.

The first year of this period was visited with heavy and continuous rains, which reduced the measure of our field crops below one half the usual products, whilst the financial revulsion which commenced upon the Atlantic, in the fall of 1857, did not reach its climax for evil in our borders, until the year just past.

You need not be informed of the disastrous effects produced by these two causes, upon the hopes and condition of our people. Overtaken suddenly and unexpectedly in this misfortune, with heavy individual liabilities, with no facilities for obtaining money, their property reduced to a nominal value, and no demand for it at any price, thousands there are who feel that their homes and their fortunes are in

great peril; and that this is so, would be worse than idle to disguise. In this aspect of affairs, you may reasonably expect that strong appeals will be made to you for remedial legislation; and I doubt not that their expostulations will receive your very considerate attention, and prompt you to put forth, in your sovereign capacity, such powers as you possess, to secure to them indemnity against unreasonable and unjust sacrifices, yet in a manner that shall guard and protect the rights of all parties interested.

I would not, however, suppress the important fact that the condition and affairs of our people are taking a favorable turn, since the commencement of the late monetary crisis; a large amount of individual indebtedness has been liquidated—a rigid system of retrenchment has been observed in the social and domestic relations and expenditures of our people—but few new liabilities have been created—no malignant epidemic has prevailed—the industry of the people, the last year, has been very well rewarded, with a fair harvest—emigration is again flowing in—the social condition of our people is improving, and we have abundant reason for devout and grateful acknowledgments to *Him*, whose goodness knows no bounds, that we are once more being placed in a condition of advancement and prosperity.

CENSUS OF 1859.

You will have before you a neat print of the census of the past year, taken in the mode prescribed by the act that authorized the same, at an expense only of about $618.71. It fixes the population of the State at 642,532, being 123,168 more than the population when the census was taken in

the year 1856, and will in all probability, reach 700,000 by the time the Federal census is taken during the present year. The agricultural statistics contained in the present census, refer to the year 1858, and do the field culture of the State very great injustice. On account of the heavy and protracted rains of that year, it is conceded that our crops fell below half their usual amount. Yet, as a result of our industry, we had in cultivation over three millions of acres. And unfavorable as was the season, we cut over 500,000 tons of hay—harvested over 3,000,000 bushels of wheat—cribbed over 23 million bushels of corn—1,500,000 bushels of potatoes—manufactured nearly half a million gallons of molasses from sorghum—sold beef cattle and hogs to an amount exceeding five millions of dollars, and exported wool and lead, to the value of a million and a quarter, &c.

But it is believed by the best judges, that the year just past, would exhibit a very different table of statistics; that the beef, pork, and wool crops have given an excess of 20 or 25 per cent over the census year of 1858, whilst the corn crop cannot fall short of fifty millions of bushels, and the value of the sorghum molasses would reach the figure of $500,000.

One or two more such crops, accompanied in other respects with the smiles of a propitious Heaven, and adhering to our present system of domestic economy, will not only reassure but restore our people to their wonted prosperity, and place them in a condition to grant rather than ask favors of those Atlantic States and cities, which have been heaping obloquy upon us because of our embarrassments, which had its origin as much with them as with us.

HASTY LEGISLATION TO BE AVOIDED.

Seventy-one of the laws, covering 263 pages, were passed the day and night preceding the adjournment of the last General Assembly. It would be strange, indeed, if the engrossing and enrolling clerks could copy and compare all these enactments, for the signature of the President of the Senate and Speaker of the House, without committing grave errors. It is known, important omissions and mistakes did occur, while some very important bills had been matured at the cost of much time, labor and expense, failed of their passage, for the want of a few hours time. The mischief growing out of rash and inconsiderate legislation of this description cannot fail to address itself to the mind of a prudent legislator, and I feel myself shut up to the duty of respectfully but earnestly urging upon you the correction of this great evil. I need not say, that as the supreme law-giving power of the State, you are charged with an important trust, which the public welfare demands shall be executed with a wise caution, and a faithfulness that shall comport with the solemnity of your commission.

STATE INDEBTEDNESS, REVENUE, AND EXPENDITURES.

Your attention is invited to the reports of the Treasurer and Auditor of the State. From the report of the latter, it will appear that the liabilities of the State amount to $352,492.37. This sum is made up of three amounts quite dissimilar in their character, and all of which, with some confusion of ideas, have been designated a State indebtedness. The first consists of $200,000, borrowed by the State in the winter of 1858, upon her bonds, running ten

years at seven per cent. The second, out-standing warrants, amounting to $30,196.62, payable upon presentation. The aggregate of these two sums—$230,196.62—constitute the entire present indebtedness of the State. The third sum of $122,295.75, is a part of the school fund, which belongs to the State, is held by the State in trust for educational purposes. It is true, the State pays interest on this amount, not to a creditor—for the relation of debtor and creditor does not exist—but to the school fund itself, as upon a debt; ownership is not indebtedness. This money is a part of the proceeds of lands granted to the State, and is as much the property of the State as the lands were at the time they were granted. She has wisely dedicated the interest upon this fund to the support of a system of common schools. In paying this interest, she does not make herself a debtor, or divest herself of the right to control this fund as to her may seem best. She may at any time change her constitution and apply the five per cent. fund and the proceeds of the 500,000 acre grant to any other purpose. I deemed this explanation due, for the reason the Constitution forbids a State indebtedness above 250,000 dollars; and if in the sense of the Constitution, the receiving and holding this fund is a debt, then has the State precluded herself from demanding and receiving about a million of dollars, due her from the General Government, on the five per cent fund Such is the amount and character of our liabilities. It will be observed that but a small portion of the same will mature and be required to be paid during the next two years. In contrast with this, the revenue resources of the State show that its financial affairs are in a very satisfactory condition, as it leaves a large excess of assets over her liabilities.

The balance in the treasury, and in course of payment through the banks, the delinquent taxes now due from the counties, and the State tax of the year 1859, amount, in the aggregate, to six hundred and eight thousand six hundred and nine dollars and forty-eight cents.

The Auditor estimates the expenditures for the two fiscal years, commencing November 7th, 1859, and ending the first Monday of November, 1861, exclusive of appropriations for charitable institutions and other special purposes, at $401,719.72, whilst the estimated resources of the State for the same period, exclusive of the saline and school funds, are put down at $858,609.48. The above figures exhibit a handsome margin upon which the State may prosecute to completion her various charitable and other institutions.

The first great duty of the State undoubtedly is, to administer its affairs in all the departments of the public service, upon as economical a scale as possible, consistent with the public good.

The expenditures for ordinary purposes, during the two fiscal years, ending on the 7th of Nov. last, amount to $366,198.57, whilst the extraordinary expenses for the same period, amount to $212,157.45; making an aggregate of $578,356.02. I have no knowledge of any State in the Union, whose ordinary expenses, when viewed in connection with the nature of our political organization, the extent of population and territorial limits, will compare more favorably, or whose people pay a lighter State tax for the privileges they enjoy, than do ours. This fact, it is believed, will not escape the attention of the emigrant, who is or may be seeking a home in the great valley of the Mississippi.

BOARD OF EDUCATION.

Our educational interest will claim your special attention. On the 12th of March, 1858, the General Assembly passed an act entitled "An act for the Public Instruction of the State of Iowa." This act, with the exception of those portions of it which provided for levying taxes and appropriating money, was subsequently declared unconstitutional by the Supreme Court. The Board of Education, at its first session, held in December, 1858, were much perplexed in determining the extent of their jurisdiction, fearing on the one hand that they might encroach upon the powers of the General Assembly, and on the other, that they might fail to perform, to the full extent, the duties required of them under the constitution.

After much reflection and deliberation, they re-enacted the law above referred to, with some slight alterations. It took effect on the first day of March last, and under it our school system has operated as successfully as we could reasonably expect, in view of a change from a system with which they were familiar, to one materially different in its essential features. Objections have been made to some of its provisions, but in the main it appears to have given satisfaction.

The Board, at their recent session held in December of last year, made a variety of amendments, which they believe will remove all valid objections.

Under the provisions of the constitution, all laws passed by the Board of Education are subject to alteration, amendment or repeal by the General Assembly. The law, as amended, will be laid before you for your consideration;

and it is earnestly hoped that you will only make such additions to it as you may deem essentially necessary to give it vitality, without materially changing its provisions.

Repeated and radical changes in our school laws, though sometimes necessary, are always attended with temporary inconvenience, and frequently with serious injury; and hence it is particularly desirous to avoid them unless they are indispensable to the prosperity of our schools.

Popular education is one of the most important interests of the State. A much greater number of the people are personally identified with its failure or success than with any other subject of legislation. It is scarcely necessary, therefore, that the utmost precaution should be observed in any thing you may deem it your duty to do for the promotion of this great object; and in this sentiment I am fully persuaded that I have your hearty concurrence. It is all important that the school laws should be considered and acted upon definitely and finally at an early day of the session, in order that they may be published and distributed in time for the school district elections in the spring. Their circulation in pamphlet form should not be restricted to school officers, but should be sent broad-cast among the people, in order that they may become familiar with their provisions. At least every head of a family should be supplied with a copy. We have over one hundred thousand voters who are interested in our school district meetings, and to enable them to become familiar with their duties and obligations, the school laws should be circulated extensively among them.

The subject of discontinuing the Board of Education has

been discussed by some of our public journals. While I much regret the unfortunate position in which we are placed by the educational provisions of our Constitution, I should seriously question the expediency of such a measure at present. The Board have endeavored faithfully to perform the responsible duties imposed upon them, but at nearly every step, they have been trammeled by constitutional restrictions, and hence their legislation has not been such as it would have been if they had been clothed with full and exclusive authority to enact all laws for the government and support of our common schools.

But it should be remembered also that they possess, under the Constitution, the sole power to originate all laws exclusively educational in their character.

The Constitution provides that the General Assembly shall have power to abolish or re-organize the Board of Education at any time after the year 1863, and as another session of the General Assembly will transpire before that time, any legislation on the subject, at present, would certainly be unwise and premature, and would probably render our whole educational system still more complicated than before.

FIVE PER CENT FUND.

Our admission into the Federal Union transpired in the fall of 1846. At this time there were very few outstanding military land warrants. A part of the compact of admission was, that in consideration the government lands should not be taxed by us, the State should receive 5 per cent. upon the net sales of the lands within her chartered limits. Upon the cash sales we are and have been receiving this fund; but

upon all entries made with military land warrants the 5 per cent. is denied us, upon the ground that such entries are mere bounties, and not sales. In February, 1847, three or four months after our admission into the Union, Congress passed an act offering one quarter section of land to every private, musician, and non-commissioned officer who would enter and serve a given period in the Mexican war. This war closed about the time that our best lands were being brought into market. Vast numbers of these warrants were issued and were located in this State, absorbing a large proportion of our best lands. As they formed a part of the contract of enlistment, they could not have been withheld by the government without an act of bad faith; not so, however, if they were in fact only bounties. But they were issued in discharge of a consideration that had been given in the form of military services, and their subsequent redemption in land, constituted a sale in the sense of the law as well as the compact. Such is the opinion of the best jurists in the country. I have appealed in vain to the Secretary of the Interior for the payment of the 5 per cent. upon these warrants, that now approximates to a million of dollars. On going to Washington to institute a suit in the Court of Claims, as I was directed to do by a joint resolution adopted at your last General Assembly, I was strongly dissuaded from doing so, for the reason that it would be a useless expenditure of money—that the decisions of that Court settled nothing—that they were only equivalent to a report made by a committee of either House of Congress, and were as frequently overruled—that the relief, after all, must come through Congress. Eminently unjust as is the

non-payment of this fund for the reasons assigned, Iowa is not the only party complaining. Other western States stand in the same category, but not so largely implicated. They propose to abide their time till after the next Federal census and apportionment, which will give the west some 18 or 20 additional representatives. My opinion is that we had better do the same thing.

The payment of this fund is not a mere favor which we are asking of the General Government, but a subsisting legal right which could be enforced in a court of justice, was there a tribunal of this kind, clothed with the requisite jurisdiction.

SCHOOL FUND AND LANDS.

The agents employed to investigate the affairs of the different School Fund Commissioners in the State, found many irregularities and abuses in the official discharge of their duties, and in the counties of Allamakee, Chickasaw, Clarke, Decatur, Fayette, Jones, Madison, Mitchell, Story and Wapello, they discovered defalcations to an amount exceeding $20,000. Their reports, however, in some instances, were not entirely clear and satisfactory, and probably may have done some of the officers injustice. The law makes it the duty of the County Judges, in all such cases, to bring the matter to the notice of the District Attorney, for the purpose of instituting legal proceedings. I am of the opinion that the interest of the State School Fund would be better subserved by authorizing the Auditor of State or the Secretary of the Board of Education, (Col. Benton,) to re-investigate the accounts of the School Fund Commissioners in the counties mentioned, with a view of ascertaining

with greater certainty the real facts in each case; this being done to clothe such officer with full power to arrange amicably with the defaulting Commissioner the amount found to be due, by allowing time and good security. If he should fail in this, then to supply the District Attorney with such a statement of facts, that he may proceed with safety, and with less liability to involve the State in cost. Indeed, it would be well to invest some officer with full discretionary power to settle all such cases in the method that will, with the least expense, protect the State against loss.

I had the honor, at your last regular session, to communicate to your respective bodies, the frauds and abuses alleged to have been practiced in Tama county, in the sale of the 16th section. The law required that the land should be offered at public sales three different times, six months or more apart, before they shall be subject to private entry. In January, 1857, 3200 acres were offered at public sale in said county, (being the first and only time they were so offered) and run up to a high figure by fictitious bidders, as the charge was made, to prevent actual settlers from becoming purchasers. After the sale, these bidders privately forfeited their bids; after which the parties for whom they acted, purchased the same at private entry, at the appraised value thereof. If this was true, the sale was a fraud upon as well as a clear violation of the law, and consequently void, and I so directed the County Judge to declare them, which he accordingly did. I have since learned that some of these pretended purchasers were unwilling to have their lands so treated, and would contest their titles with the State, while others would give them up if their money could be

refunded, with interest. As the executive officer of the State, it was my duty to insist upon a strict observance of the law. It is quite competent for you to do otherwise, and in view of the altered condition of things in the State, the fall of property, &c., I would now recommend the passage of a law that should legalize these sales, and vest in the several purchasers the legal title to the lands in question, with the privilege, however, to such as desire it, to surrender back the land to the County Judge, upon being reimbursed the money paid, with interest. This option should be given, for the reason that the sale had been declared void by me, and some of the parties may have made other arrangements. Such a disposition of this difficulty would obviate the expense and vexation of law suits, and at the same time, under all the circumstances, further the interest of the School Fund.

500,000 ACRE GRANT.

In the selection of these lands, the agents employed returned an excess of 22,660.03 acres, which by some mistake, was approved and entered upon the tract books, both in the General Land Office at Washington, and upon our own books in the Register's office.

I was urged, and learned my predecessors had been, to return back to the General Government a list of lands to be taken from the original selections properly described, that should be equal to this excess. Upon very full enquiry, I found that this could not be done without interfering with the rights of innocent purchasers; that the entire grant, including a part of this excess, had already been sold, leav-

ing about 13,918.25 acres undisposed of. Perceiving no good reason why this last amount should not be given back, a list containing a proper description of the same was duly returned, and an arrangement was made with the Commissioner of the General Land Office, to the effect that the residue of this excess, (8,745 acres,) should be confirmed to the State, and that from her five per cent fund, an amount should be retained sufficient to pay for the same at $1.25 per acre, being $10,931. This adjustment is a favorable one for the State, and it is to be hoped that you will ratify it by the passing of an act that so much of the five per cent fund may be retained by the General Government, as shall be necessary to carry out the settlement so made, and that the title of the 8,745 acres may vest in the State; it will also be necessary for Congress to pass an act confirming this settlement, for the consideration named, to which the attention of our Representatives should be immediately called.

DES MOINES RIVER GRANT AND IMPROVEMENT.

For years this grant has been held to extend to the source of the river. Recently the Government authorities have decided that it is limited in its extent to the Raccoon Forks, and refuse to certify any more lands to the State north of this point. The Hon. Charles Mason was appointed a Commissioner, by the last General Assembly, to procure, if possible, the residue of this grant, to be certified to the State. For this purpose he immediately repaired to Washington, and not obtaining a satisfactory decision from the Secretary of the Interior, appealed to the President, who

referred the subject to the Attorney General, whose opinion was adverse to the State, and thereupon recourse was had to the Judiciary. A suit, in the name of E. C. Littlefield, Esq., against the Dubuque & Pacific Railroad Company, was instituted in the District Court of the United States, and a judgment obtained in favor of the plaintiff for a tract of land embraced in this grant near Fort Dodge, derived from the State. An appeal to the Supreme Court of the United States was immediately taken, has already been submitted to that tribunal, upon printed arguments, with assurances from the Court of an early decision, which the State confidently expects will be a favorable one, as it is impossible to conceive how the Government is to avoid the legal effect of her repeated admissions, that our title extended to the source of the river. Too much praise cannot be awarded to Judge Mason for the able and indefatigable manner in which he has addressed himself to the object of his commission. The settlement made at its last session by the Legislature, with the Des Moines Navigation & Railroad Company, has been duly carried out according to the terms expressed, a part of the details of which will be found in the Report of the Commissioner, E. Manning, Esq. It will be remembered, that the River Improvement was abandoned, except the completion of four dams, the state and condition of which will be found in the reports of the present Commissioner, Wm. C. Drake, and the chief Engineer, S. Dwight Eaton, Esq., to which your attention is respectfully called.

If these four dams should be completed, they will still be the source of constant annoyance and expense to the State,

and it is clear to my mind that it would be the part of wisdom to do at once, what in the end will have to be done, and that is, to transfer these dams, with all their privileges, to any responsible party or parties (if such can be found,) who would undertake to complete and keep the same in repair. The dams, completed, might be disposed of to the highest responsible bidder, &c.

Justice to a large number of individuals, demands that I should bring to your attention another subject connected with this grant. The agents employed by the State to select the 500,000 acre grant, among others, selected 12,913.51 acres of land, chiefly in Webster county, belonging to the river grant, which selection, with others, was approved February 20th, 1851.

Col. Benton, at that time the State Superintendent, with his usual caution and prudence, before ordering these lands into market, addressed a letter of enquiry to the Commissioner of the General Land Office, whether any of the selections in question conflicted with the Des Moines River grant. This was in March, 1853. Receiving a negative answer on the 6th of June, of the same year, he ordered the lands into market. In January thereafter, he received another letter from the Commissioner, to the effect that the approval of the selections of these 12,813 acres had been revoked, and confirmed to the State under the Des Moines River grant.

In the meantime, the School Fund Commissioner of Webster County, under the order of sale, disposed of some 4,859 acres of this land, by sale to actual settlers, who have improved and still occupy the same. Since then the

State, under her contract for the improvement of the Des Moines River, has conveyed by deed these same lands to the Des Moines River Company who now hold the legal title. In this condition of things, what is to become of these settlers? It is true, perhaps, under the occupying claimant law, they may get the value of their improvement. But is this the measure of justice that should be meted out to them? They were purchasers in good faith, and although their misfortunes are the result of the *laches* of federal officers, rather than that of the State, yet simple justice demands, under the circumstances, that the State should at best do all it could to have these lands confirmed to them. This can now only be done by negotiation.

I would respectfully suggest, where any of these parties are unwilling to take a reasonable compensation for their improvements, and surrender the lands, that if they will pay to the Des Moines Navigation & Railroad Company, the price for which the State sells other school lands, that then the State will make up the residue of the purchase money to said Company, either in cash or land; provided the purchase can be made of said Company on just and reasonable terms.

A special agent might be commissioned to effect the negotiation on this basis, properly restricted in his powers.

At all events, the whole subject is submitted to your better wisdom, earnestly expressing the hope that it will not be overlooked.

SWAMP LANDS.

The grant of these lands for purposes named in this act, has been the source of much trouble to the State, and vexa-

tion to the people of the counties who were intended to be made, by an act of the Legislature, the recipients of the same. After large quantities of these lands had been selected agreeably to the rules prescribed by the proper department, and approved by the Commissioner of the General Land Office as such, they were permitted to be entered or located with land warrants at the Government Land Offices, upon a bare representation that they were dry lands. A remonstrance from the State against so unjust a proceeding, resulted in the passage of an act by Congress confirming to the State the swamp land selections they had made.

Before this, however, Congress had by an act passed for that purpose, recognized and confirmed the title of purchasers and locators of such tracts as had been selected as swamp or overflowed lands; but made provision, at the same time, that upon due proof by the authorized agent of the State, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands, within the true intent and meaning of the act aforesaid, the purchase money shall be paid over to the State, and when the lands have been located by warrant or scrip, the State should be authorized to locate a quantity of like amount, &c.

The General Assembly, at its last session, made an appropriation of $2,000 to defray the expense of selecting the swamp and overflowed lands in twelve counties, then unorganized, and the sending of an agent to Washington to settle the preliminaries of the proof required under the act of Congress alluded to, as well as some other open questions in relation to the manner of listing and patenting these

lands to the State. The Hon. James Thorington was commissioned for this purpose, and an adjustment was effected, under which the General Government has, up to this date, certified or listed to the State 507,811.30 acres. The report of the State Register will show in what counties these lands are situated. The lists have been examined, corrected and approved, and patents requested to be issued to the State for the same, which is now in process of being done. 61,812.43 acres of the above amount, embraced within the Fort Des Moines and the old Iowa City Land District, have recently been patented to the State, and which I have caused to be patented to the counties in which they are situated. It is believed the above lands will all soon be certified by patents to the State, and they belong to that class of swamp lands about which there is no controversy, the title being as I have before stated, confirmed to the State by an act of Congress, dated March 3d, 1857. But in addition to these lands, there has been listed to the State 124,332.76 acres falling within the Ft. Des Moines and Chariton Land Districts, which had been wrongfully permitted to be entered by cash or with military land warrants, the title whereof has been confirmed to the several purchasers and locators, but indemnity for which is to be given to the State, provided it shall be proved in the method prescribed, that they were swamp and overflowed lands within the meaning and intent of the act granting the same at the date thereof, or at the time of their selection. Forms of the proof, with the requisite instruction, have been forwarded to the Judges of those counties where these lands are situated, that the work of establishing the swampy character of the same may be commenced.

The General Land Office, at Washington, is unwilling to adjust this grant with any other party than the State authorities, which devolves upon the Executive greater duties than it is possible for him to perform with his other official labors. The examination and correction as they are forwarded, which is only done by land districts, the division of these lists into counties, and transmitting to such counties those which are to be patented, and those which have been entered by cash, and those which have been located with land warrants, in separate lists, that the requisite proof may be taken in regard to their character—and supplying the counties or other agents with all needful information they may require concerning the manner of conducting the proof—examining and correcting these proofs, when taken, before they are transmitted to Washington for approval, will require more labor than one individual can bestow, should he give his entire time. Hence I felt it my duty to employ J. B. Stewart, Esq., of Des Moines, a special agent to assist in these labors. But I am now satisfied that although the Register of the State Land Office and his deputy have already as heavy duties as they can well perform, this swamp land business should be transacted in his office, under the general supervision of the Governor, and that the Register should be authorized to employ one or more competent persons, as the necessities of the case may require, whose time and labors should be given exclusively to this branch of the public service; and whatever amount the State should be required to pay the agent or agents thus employed, could and ought to be refunded to the treasury out of the moneys obtained from the General Government for Swamp Lands

sold. This would hasten the final close and settlement of this troublesome business, which is very much desired by the counties interested, and the commencement of which thus fairly made, has cost the Executive Department of the State unremitting labor and attention.

There is, however, another obstacle to the early completion of this service, which I should not omit to mention. The four land grant railroads in this state claim the right to impeach the Swamp Land selections, so far as they conflict with their grant, notwithstanding near three years ago, these selections, whether their real character was swamp or dry, were by a special act of Congress confirmed to the State. This right, upon application, was conceded to these Companies by the Commissioner of the General Land Office, with the consent of the Secretary of the Interior, without giving the State a hearing upon the question. Hence the Swamp Land selections found upon odd sections, falling within the description and limits of the railroad, (being fifteen miles on either side of each line,) have not been with other swamp land, certified to the State. On being informed of these facts, I proceeded to Washington, and made an urgent personal appeal to the Secretary of the Interior for a reversal of this decision, for reasons which were named; but he declined to do so, yet expressed a willingness to require the railroad companies to designate at once the tracts claimed to be dry, and to submit proof that should at least be equivalent to the evidence furnished that they have Swamp Lands; otherwise they should be certified to the State, and to this effect did he so instruct the Commissioner. Still I have heard of no such designations—the

lands still remain uncertified to the State. I have been unable to learn from the Commissioner, what course he designs to pursue in reference to the instruction of the Secretary of the Interior. And the question recurs, where is this matter to end? If the contest goes on, it must necessarily be protracted and expensive to the people of the counties, whilst it will prove, in the end, detrimental to the railroad companies themselves. It is obviously their interest to propitiate the favor rather than the hostility of the people, in pushing forward their several enterprises. The counties deeply feel the want of railroads, and many of them would be willing to give or subscribe their Swamp Lands to attain so desirable an object, but they are not thus willing to be deprived of them, without their consent, or subjected to the other alternative of proving them up a second time, at great cost and trouble. The railroad grants were made to the State in trust for certain railroad companies. The State, as I read the act, has already made a declaration of this trust in favor of the companies in question, subject, however, to the conditions and restrictions contained in the act of Congress granting them. One of these conditions is, that the lands shall only be sold as the construction of the roads progress; that is, after one hundred and twenty sections have been sold, another like quantity shall not be sold until the Governor of the State shall certify to the Secretary of the Interior, that twenty continuous miles of any of said roads have been completed. Now, in order to put an end to this unhappy controversy, which has been the source of so much complaint in the State, I cannot but feel that it is my duty to recommend the adoption of a

joint resolution by your bodies, instructing the Governor to sign no more certificates of the description spoken of, to any of said companies, until they shall file in his office a written relinquishment of their supposed right to contest the Swamp Land selections that may fall within the limits of their grants, and a consent on their part, that the Commissioner of the General Land Office may proceed to patent them to the State as other Swamp Lands, &c.

STATE PRISON.

This institution merits a distinct notice. The facts and suggestions contained in the reports of the Board of Inspectors and Warden should attract your special consideration. Since the last General Assembly, some eighty-five have been added to the number of convicts. On account of this unexampled increase the appropriation made for the general support of the Prison proved wholly inadequate. It did not indeed hold out a year. The price of provisions kept up, being scarce and commanding a ready cash market, could not be obtained on so long a credit except upon terms at once exorbitant and inadmissible. An attempt on the part of the Inspectors to effect a loan of money for this purpose proved unsuccessful. I was forced to the necessity of opening the prison doors or furnishing the requisite supply. This latter alternative was adopted, but only accomplished through the co-operation and indulgence of the Auditor and Treasurer of the State, who permitted me to take some six or seven thousand dollars of the revenue whilst *in transitu* from the county collectors to the State Treasury upon my personal receipt. It will be necessary for you to legalize

this transaction, I apprehend, and have the Treasury credited with the requisite amount, and this I ask may be done. Where by oversight or miscalculation the appropriation has failed to meet any emergency of this description, I submit whether it would not be well to authorize the Census Board or some other agency or power to supply the deficiency until the sitting of the ensuing General Assembly. I regret to make known the fact that there has been some misunderstanding and disagreement among the officers of this institution and between them and prison contractors, which have led to much irritation of feeling, complaint and finally litigation. It is unnecessary for me to express any opinion upon the character of these difficulties with a view of determining where the blame lies. But it does appear to me that if the Warden was not dependent upon the Board of Inspectors for the term of his office, and the duties and powers of each were clearly defined by law, it would seem to check abuses, and tend to secure both harmony and independence of action.

Representations made to me last May touching the discipline and condition of the Prison accounts, and of abuses in the financial management of the same, satisfied me that the interest of the State demanded an investigation with a view of ascertaining the condition of the one, and the manner and system observed in conducting the other. I accordingly commissioned Thomas S. Espy, Robt. A. Russel and H. Q. Jennison to make an examination of the affairs of this institution and report as contemplated and required by "An act to authorize the Governor to appoint Commissioners to examine the accounts of State officers, and to

define the duties of the Governor in certain cases." The very thorough and satisfactory report made by these commissioners is submitted to you and should be considered in connection with that of the Board of Inspectors.

You will not fail to perceive, from a careful inspection of their report, that the affairs of the institution have been conducted carelessly and without system. That the books of accounts were in a confused condition and could not be balanced—that $1700 had been traced as a deposite into the hands of the bankers, and had been lost sight of by the officers, and would in all probability have been lost to the State but for this investigation. Much of this irregularity and confusion in the accounts undoubtedly is attributable to the acts of an incompetent book keeper—which demonstrates the importance of having a professional accountant to keep the books in an institution where large sums of money are to be disbursed for various purposes under distinct appropriations.

To the report of the Commissioners is appended a general balance sheet, obtained only by re-journalizing the books and correcting the errors, and supplying the omissions, and which comes down from the commencement of our State organization to the 1st of June, 1859, exhibiting the following result:

	DR.	CR.
State of Iowa,		$109,641.86
Construction,	$ 69,045.82	
General Support,	35,279.73	
Officers' Salaries,	12,851.49	
General Support Fund,		634.42

Convicts' Fund,	152.47	
Wall Fund,	1,732.31	
Real Estate,	700.00	
Bills Receivable,	3,539.00	
Bills Payable,		12,676.03
Individual Accounts,	5,821.13	6,169.64
	$129,121.95	$129,121.95

It will be ascertained from the details in this balance sheet, that the amount, $109,641.86, is the whole amount expended by the State on account of the penitentiary. The other sums on the credit side, may need explanation. The amount, $634.42, is for cash advanced by the Warden during the month of May last, in payment of bills for supplies, &c. The amount, $12,676.03, is the aggregate of all notes outstanding against the institution, on the 1st of June last; and the amount, $6,169.64, is the sum of all amounts due individuals on book account. The different amounts on the debtor side will be readily understood. The labors of this Commission must result in great good to the institution as well as the State; besides exhibiting the precise condition of its financial affairs, it has exposed abuses, rectified mistakes, and made up and systematized the entire Penitentiary account, so as to render it intelligible.

Honorable mention should be made of S. Guthrie, Esq., a most competent book keeper, who rendered to the Commission valuable assistance in the discharge of their duties, and who is now employed by the present Warden as Chief Clerk and book keeper of the establishment—which at once guarantees accuracy and system in the keeping of the ac-

counts. It is believed, however, that he cannot be retained for the compensation now given that officer. True economy requires that the Clerk in this institution should be a first class book keeper, with rates of pay which he could get in our larger mercantile establishments. It is proper that I should state that the Commissioners reported a deficit in the accounts of the late Warden, amounting to $2,278.11. This deficit was discovered by the examiners, after a final settlement of the Warden's account, which settlement the Inspectors now ask may be opened up. The attention of the Attorney General has been called to this subject, with the necessary instructions.

The north line of the Prison enclosure is protected with a board fence, rendering the confinement of so large a number of convicts exceedingly unsafe and dangerous, and should be replaced with a stone wall at as early a day as possible. The cell-room accommodations are inadequate and should be enlarged. I recommend as large appropriations for these objects as the revenue resources of the State will justify.

The Inspectors have procured a plan for the enlargement of the Penitentiary, through the assistance of a competent architect; which embraces all the modern improvements, and would accommodate some 300 or 400 convicts, and ought, in my judgment, to be adopted and carried out, if the financial condition of the State will admit of it.

PARDONING POWER.

It is made my duty under the Constitution of this State, to communicate to the General Assembly all cases of par-

don, reprieves or commutations granted by me during my term of office; which I have the honor of doing in a separate paper accompanying this message, in which is shown the name and crime of each convict, the sentence, its date, and the date of the pardon, and the reason therefor.

The whole number of pardons in two years from January 10th, 1858, to January 9th, 1860, for Penitentiary offences, was fifteen. Of these only three were pardoned before their imprisonment—the remaining twelve had suffered imprisonment a greater or less time,—some of them sufficiently long to satisfy the ends of justice, independent of the other causes which operated upon my mind in their discharge. The number pardoned for offences punished by fines and by imprisonment in the county jail, was six. There was one case of commutation and none of reprieves.

The applications for pardons were numerous—often informal and loosely made; to secure an intelligent consideration of these applications, as well as greater certainty and uniformity in their presentation, and to guard against imposition and an abuse of an important trust, when required to be exercised, I prepared a series of rules, which, together with that provision of the Constitution, which relates to the subject, I caused to be published and sent to all the counties for the information of those whom it might concern. A copy of the rules presenting the mode of applying for pardons, is appended to the report alluded to, and to which your attention is called. It will be perceived that the constitution clearly contemplates the enactment of a law regulating the exercise of the pardoning power. This as yet has not been done. I now recommend the passage of such

a law, and that it shall in its provisions, embrace the substance of the rules which I have established, and which I have found from experience to work well, and adequately to guard against an improper use of this high prerogative power, whilst under them the rights of the convict are also duly protected.

STATE REFORM SCHOOL.

Many States of the Union have established these institutions. They are regarded as tokens of an advancing civilization, and have proved a success. From 70 to 80 per cent of the juvenile offenders who have entered them have been reformed and given back to society, useful and honorable members. They are placed in an institution where the requisite means are employed to transform their moral constitution, where they are compelled to listen to the appeals of virtue and right action, instead of incarceration in the Penitentiary, where they are subjected to the malign influence of the vicious and the depraved. I learn that the records of our Penitentiary exhibit the remarkable fact that fifty juvenile convicts between the ages of 14 and 21, have been imprisoned within its walls during the last three years, and that $\frac{3}{8}$ of our convicts have, from the beginning, been of this description. The legitimate place for this class of offenders is in a reform school. In the civil and domestic relations of life, the law, out of a tender regard for their inexperience and supposed want of mature judgment, affords them immunities and privileges not extended to the adult citizen. Why should not this distinction be made in our criminal jurisprudence? It can be demonstrated that the prosecution and maintenance in prison of these fifty juvenile

offenders has cost the State, in all probability, more than their moral discipline would have done in an institution of the description named.

The Rev. Thomas E. Corkhill, of Keokuk, has addressed me a long communication, filled with valuable statistics and information on this subject, which I should have been pleased to have published and laid before you, had I possessed the power under the law to have done so. It is, however, at your service. In the name, of a common humanity, the necessity and propriety of establishing a State Reform School is urged upon your consideration.

INSANE HOSPITAL.

The condition of this institution will be found in the reports of the Commissioners and Superintendent, and little need or can be added to the suggestions there made. Should it take $100,000 more to complete this structure, it will still cost less than its prototype at Northampton, Massachusetts; whilst those acquainted with both buildings, will be constrained, perhaps, to admit that ours is, by 75,000, the better of the two.

It is difficult for those not acquainted with structures of this description, to conceive why their cost should reach so high a figure; a visit, however, to this institution would reveal to them this mystery. When finished, it will occupy the first rank of all similar institutions in the world, and be a beautiful as well as a shining illustration of the philanthrophy and enterprise of the people of Iowa. I am inclined to think the revenue resources of the State, as estimated for the next two years, (although the Auditor in his estimates

proposes to reduce the taxes), will justify an appropriation sufficient to complete this building, which is so much needed to satisfy the appeals of humanity as they come up from different parts of the State.

DEAF AND DUMB ASYLUM.

This institution is located at Iowa City; occupies a rented building sufficiently large and commodious to answer, in the main, its present purposes; is in a flourishing condition, and under the charge of Prof. Ijams, a competent and successful instructor of mutes, who is building up an institution creditable alike to himself and the State. The time is not distant when the State must locate this institution permanently, and erect suitable buildings to effectuate its aims of usefulness. This, in my opinion, should be done at the Capitol of the State, where, in the end, it will be more accessible and under the more immediate supervision of the Legislature and State authorities. I bespeak a careful reading of the annual report of the Board of Trustees, which needs no enlargement from me.

AGRICULTURAL COLLEGE.

A very brief statement of what has been done under an act passed at your last session, providing for the establishment of a State Agricultural College and Farm, may justly be expected. The Board of Trustees, at their session in June last, located this institution and Model Farm in Story county upon 649½ acres of land, in township 83, range 24 west, being a central as well as an eligible site for an institution and farm of the description indicated in the law.

Liberal donations were made by the counties of Story and Boone for the support of the same. The Board established the professorships and prescribed the studies best calculated to educate agricultural and mechanical labor, all of which will be more fully set forth in the report of the Executive Committee or Board of Trustees. Connected with this institution, is an Agricultural Bureau, under the charge and control of Gen. Wm. Duane Wilson, its Secretary, whose unremitting attention to his duties, and great energy, has rendered it of very great service already to the State, as his valuable and interesting report demonstrates, and to which your attention, and especially that of the farmers of the State is most respectfully invited.

BANKS AND BANKING.

The acts incorporating a State Bank and authorizing free banks in this State, were severally accepted and ratified by the people at an election held for that purpose. The State Bank was organized on the 28th of October, 1858. There are now twelve branches established at the following points: Muscatine, Dubuque, Keokuk, Mount Pleasant, Davenport, Iowa City, Des Moines, Oskaloosa, Lyons City, Washington, Burlington and Fort Madison, with an aggregate capital of $460,450, paid in specie, and a circulation of $563,836. There are other important statistical facts bearing upon the condition of these branches contained in a consolidated statement published by the President, Chester Weed, Esq., for the information of the public, on the 5th of last month, which makes it, perhaps, unnecessary to embrace them in this communication. There are applications pending for

four more branches, and the probability is that the number will be increased to twenty in all, in the course of this year, which will be able, it is thought, to supply the wants of the legitimate business of the State for some years. If these branches have not accomplished all that the public expect of them, it is gratifying, at least, to know that they have done a cautious and safe business, commanding the confidence of the people, whilst they have in no small degree subserved the interest of the community at large in relieving the reasonable wants of its business men.

If the very extraordinary financial pressure in the midst of which they commenced their business, has limited their operations on the one hand, it has, upon the other, imparted a degree of caution and prudence in the management of their business, which is worthy of all praise, and cannot fail to commend them to the confidence of the public. In this connection I will be pardoned for suggesting, that inasmuch as the State has lent to this institution its name, and participates to some extent in managing and directing its operations, through three Directors of its own appointment, it should, by the passage of an act, express its willingness to receive the issues of these branches in payment of taxes.

Standing in this intimate relation to these institutions, it is but just that the State should, in this way, add its confidence to that of the public, which is an element of such vital importance to their successful operations. I need not add that this policy, in my judgment, would greatly subserve the interest and convenience of the tax-payer, whilst it would tend to drive much of the foreign free bank money out of our State, and fill its place with our own issues.

I beg to say, that I desire to be held alone responsible for this recommendation, as it does not emanate from the request or even suggestion of any of the parties interested in the banks.

I have not understood that any banks have been established under the Free Banking Law. I have heard it suggested that it was too stringent and ought to be modified. I doubt whether an application of this kind ought to be entertained should one be made. It is the want of these stringent provisions in the Free Banking systems of Illinois and Wisconsin that have flooded those States and Iowa with their irredeemable paper. It is infinitely better for the people of this State to have no free or State banks, if their paper cannot be redeemed on demand in specie.

Under the 73d section of the present Revenue law, the Auditor has and is saving a large proportion of the expense attending the collection of the State revenue under the former system. The allowance of mileage to the County Treasurers, as formerly done was an expensive mode and less reliable the one now adopted. From the more populous counties of the State the revenue is now paid into the nearest branch of the State Bank, and is thence forwarded to the State Treasury, at the Capital, at the risk of the bank and upon economical terms.

I am of the opinion that the State can further economize the system of receiving and disbursing the public revenue, by a slight modification of its laws. It may legitimately make the bank, to some extent, the fiscal agent of the State. The revenue being first moved from the populous counties to the Capital, must be moved back again in large part, in

disbursements, for the use of the public institutions in different parts of the State, and to pay off their officers.

A considerable amount has now to be paid in New York, semi-annually, for interest on the outstanding State loan; and the rates of exchange as well as the transportation of specie, which must be paid by the State, are less from the river counties than from the interior.

If the Auditor should be authorized by your legislation to direct the payment for any county, to be made at any Branch of the State Bank, to be designated by him, and thence ordered into the State Treasury, as now—or thence disbursed on warrants directed to such Branch, in his discretion, it would save the transportation, both ways, of a large part of the revenue, and save time in reaching the public creditor. He is already authorized to have it paid into Bank in transit to the treasury. The additional power requisite is to disburse on warrants directed to the bank. This system would prevent any large accumulation of money at one point, and would also avoid some risks of loss inevitably attending double transportation of the funds; while the security of the State would be equal if not superior to that of the official bond. These reasons, together with the financial economy secured by it, commend it to your consideration.

REGISTRY LAW.

I renew the recommendation of my predecessor, for the enactment of such a law, and earnestly commend to your attention the suggestions and remarks which he had the honor to submit to the last General Assembly upon this subject.

STATE ARMS AND VOLUNTEER CORPS.

The quota of arms drawn by each State is in proportion to its representation in Congress. This provision of law operates to the disadvantage of the new States, whose population usually is much in advance of such representation. Thus far our supply has been wholly inadequate to the demand. A chivalrous spirit pervades the minds of our young men, and many highly creditable companies have been organized in the State, although we have had no military law, the enactment of which should now engage your serious attention.

The reception, custody, and distribution of the public arms, coupled with the large correspondence that necessarily grows out of it, makes this branch of the public service both burthensome and expensive to some extent, which should be provided for by law. The duties connected therewith have been for the last two years very efficiently and promptly performed by the present Adjutant General of the State, Gen. Jesse Bowen, whose compensation has borne no proportion to his official obligations and labors.

STATE HISTORICAL SOCIETY.

A communication from the Executive Committee of this organization will be laid before you, exhibiting a most satisfactory account of the condition and prospects of the Society; than which it is believed no similar association in the whole land has accomplished so much in the same time.

In the hands of its present friends, it promises to add great honor and credit to the State.

For further information in relation to its history, progress and aims, I refer you to the communication already alluded to; and also to the report of the Treasurer of this Society, the vouchers of whose disbursements are filed in my office, accessible to any committee your respective bodies may appoint to examine the same. I cordially concur in the appropriation asked for by the Executive Committee.

FRONTIER DIFFICULTIES.

Congress made an appropriation of $20,000, in behalf of the citizens of Minnesota and Iowa, to defray the expenses of their various expeditions against Ink-pa-du-tah and his band, for the murders committed at Spirit Lake in the spring of 1857. It was required that these expenses should be proved up before Major Cullen, Superintendent of Indian Affairs at St. Paul. This was done, and the amount allowed the Iowa expedition under Major Williams, was $3,612.43, which is now being disbursed to the privates and officers composing the same.

Under the act authorizing the Governor to raise a company of mounted men for the defence and protection of our frontier, approved Feb. 9th, 1858, I beg to say, that a company of thirty such men, known as the Frontier Guards, armed and equipped as required, were organized and mustered into service under the command of Capt. Henry B. Martin, of Webster City, about the first of March then following, and were divided into two companies, one stationed on the Little Sioux River, the other at Spirit Lake. Their presence afforded security and gave quiet to the settlements in that region, and after a service of four months, they were duly disbanded.

Late in the fall of the same year, however, great alarm and consternation was again felt in the region of Spirit Lake and Sioux River settlements, produced, as represented to me, by the appearance of large numbers of Indians on the border, whose bearing was insolent and menacing, and who were charged with clandestinely running off the stock of the settlers. The most urgent appeals came to me from these settlers, invoking again the protection of the State. From the representations made to me of the imminence of their danger, and the losses already sustained, I felt it my duty to summon into the field once more the Frontier Guards, adding ten more men to their number. After a service of four or five months they were again discharged, and paid in the manner prescribed in the act under which they were called out.

It is believed that this company afforded the needed protection, and saved, it may be, our hardy border settlements from another inhuman butchery.

The expenses of these two expeditions has cost the Treasury of the State $19,800 paid, and about $1,200 or $1,500 unpaid, of contingent expenses, which did not seem to be provided for in the law, growing out of services rendered in procuring the necessary equipments and outfit, and the transporting and disbursing the money, &c, &c.

These claims, duly authenticated, have been placed in the hands of our Representatives in Congress, to the end that the State may be reimbursed. It is understood that this can only be done by getting through Congress a special act for that purpose.

I need not say that I opened a correspondence, both with

the President of the United States and the Secretary of War, upon the subject of our exposed frontier, explaining to them the character of our difficulties, and respectfully solicited that protection which the Federal Government is bound to extend to the whole line of our borders. I received strong assurances from the President that this should be done, and a partial promise from the Secretary that he would establish a garrison at some point between Fort Ridgley and Fort Randall, that should sufficiently guard and protect our frontier. Whether this has been done or not, I am not advised.

RAILROADS.

The establishment, at as early a day as practicable, of a system of railway locomotion over the State, uniting county with county, and one neighborhood with another, and thus linking together not only the four corners of the State with bands of iron, but putting us in connection with all the States east and south of us, is a matter of so much importance that few men, of any section or party, would wish to record themselves against it.

Their social and commercial advantages have been tested by millions in this country and in Europe, and they are forcing themselves upon the recognition of every civilized nation. We have a system of near 3,000 miles of railway projected, admirably adjusted to accomodate every part of the State, with only four hundred miles constructed.

Had we the means to complete the entire system, it would cause a wonderful transformation to take place in the settlement of our prairies, in the development of our coal mines

and other mineral, in stimulating the productions of the soil, as well as the various branches of operative industry.

But great and obvious as are these advantages, there are just grounds for apprehending they will be for some time postponed to us. They cannot be built without large amounts of money. Capitalists are disinclined to invest in this direction any longer; it is claimed by many that the State ought not to give its aid; county subscriptions are now adjudged unlawful, and although this description of improvements are peculiarly adapted to the wants and the interests of the masses, they never yet have been prevailed upon to do much for enterprises of this kind. In this attitude of affairs, the question may well be propounded, how are our railroad schemes to be carried forward? The few enterprising men in the State who are engaged in this work unaided, cannot accomplish the task. A suspension would be disastrous to the best interests of the State. Already it is known that large numbers of emigrants have located in adjoining States, because of their superior advantages over us in railways. This subject is of no ordinary import, and is mentioned not because I have any specific recommendation to make, but for the purpose of asking your serious and earnest attention to our real condition in this respect, to the end that you may, in your combined wisdom, devise some method by which this work may be progressed, that the people of this State may have, under a system of completed railways, all the benefits and advantages enjoyed by the citizens of other States.

In regard to the four roads receiving land grants from the General Government, through the State, as the trustee, it

will be remembered that the State, in the execution of this trust, imposed, among others, the following condition: "That in case either of said Railroad Companies shall fail to complete and equip seventy-five miles of its road within three years from the first day of December, 1856, then and in that case it shall be competent for the State of Iowa to resume all rights conferred upon the Company so failing, and to resume all rights to the land thereby granted, and remaining undisposed of by the Company so failing to have the length of road completed in manner and time as aforesaid."

If, after a full and careful investigation, and making all due allowances for the stringency of the times, it shall appear that any of these Companies have failed to comply with the requirements of the law, and the just expectations of the people, and are now unable, either through mismanagement or other cause, to go forward with the great work committed to their charge, then it will become your duty to make such disposition of the lands granted to such delinquent Company or Companies, as shall secure to the State the benefit of the grant, and give to the people along the contemplated lines all the advantages of a direct eastern outlet that they would have possessed if such default had not been made. I cannot dismiss this subject without advising the passage of an act that shall require a majority of the Board of Directors of all corporations organized under and in virtue of the provisions of our laws, to reside and keep their office of business within the State.

CAPITOL BUILDING.

This structure was erected at the expense of the School Fund, borrowed by six gentlemen of Des Moines City, for that purpose; for the re-payment of which, with ten per cent interest, they gave mortgages on their individual property. The amount of money thus obtained from the Superintendent of Public Instruction, with ten per cent interest up to this date, (not paid) is $52,130. The building cost, including the lots and interest, up to this date, $53,733.61. The divided public sentiment in regard to the particular site it should occupy, precluded the possibility of building it at the common expense of the town or county. These men are quite unable to supply the State with so large and costly a building for nothing. The State ought not to consent to become a pensioner upon this bounty. It cannot do so without compromising its magnanimity. She ought to own this building—it is convenient, substantially built, and worth the money it cost. The State has been in the occupancy of the building over two years—made important changes and improvements upon the same—inconsistent, perhaps, with the legal rights of the proprietors—and it will now answer the purposes of a State House for years. In view of these facts, it is gravely suggested whether the interest and honor of the State would not be quite as well subserved, by directing the mortgages against these men to be cancelled, assume the liabilities to the School Fund, and pay to them the difference between this fund and the cost of the building.

JAMES D. EADS, LATE SUPERINTENDENT, &C.

Under your legislation, I was instructed to appoint a Commissioner to settle with the sureties of this defaulting officer, upon the basis therein specified. Robert A. Russell, Esq., a competent person, was assigned to this duty, but failed, after several attempts, to negotiate such settlement upon any terms whatever; whereupon I directed suit to be instituted against the said Eads and his securities, for some $71,880.97, being the amount of his supposed defalcation. Although the cause was expected to have been tried last month, the result has not yet transpired.

GEOLOGICAL SURVEY.

Since your last session, this work has not progressed as rapidly as could have been desired. The year 1858, was mostly employed in preparing and publishing the result of the survey in the eastern portion of the State, which made a large volume, in two parts, and has drawn from the scientific world the most satisfactory testimonials of its merits. Charged as I was, with the distribution of some two or three hundred copies of this work in foreign lands, I was able, through the agency of the Smithsonian Institution, and the assistance of Professors Hall and Agassiz, to make such a distribution as will, in my opinion, tell largely for the interest of the State.

A list of the nations, societies, institutions and scientific journals, &c., to which copies were sent, will be found in a communication from the State Geologist to the Executive, herewith submitted for your inspection, and from which you will also learn other details in respect to the present

condition, as well as important suggestions bearing upon the future of this enterprise.

At the time of the last appropriation the State was more largely in arrear, with the expenses of the survey, than was anticipated; the payment of which absorbed so much of the appropriation, that there was not a sufficiency left to form an effective organization for working out the Geology of the western part of the State, and hence, in part, the little progress made the last two years.

It is due, however, to Professor Hall, to say that he has had two assistants in the field, working out the details of some portion of the State before explored, and which will make a part of the materials of the second volume.

In addition to this, he has already published a supplement to his first volume, containing descriptions of new species of *crinoidea* and other fossils, chiefly from the Burlington and Keokuk limestones, which will give this branch of the survey a very prominent position, and make the carboniferous limestones of Iowa classic localities.

It is but just toward the west half of the State, that this survey should go forward. The very favorable reception which the first volume has met with on the part of the public—the numerous applications for it from all sections of the country, which could not be supplied, and the highly commendatory notices of it which I have received by letters from scientific gentlemen, make it but too evident, that the money expended on this work, has not been lost to the State.

PENNSYLVANIA.

This State has been pleased, in the face of the constitution, to levy a tonnage duty upon all the freight that passes over her great central railroad, whether transported east or west, by residents or non-residents.

It is true, this duty is collected and paid into the treasury of that State for revenue purposes, from the company operating this road; but it is, in fact, paid from the pockets of the freighters themselves, among whom the business men of Iowa, constitute no inconsiderable a number.

This was, and is a clear violation of the Federal compact, as I believed, aud was advised by learned counsel, and therefore felt it my duty to direct a suit to be brought in the name of the State of Iowa, against that State, to test the validity of such a law, in the courts of the country.

CODIFICATION AND REVISION OF LAWS.

The commissioners appointed to prepare a code of civil and criminal procedure, and to revise and codify the laws of the State, will spread before you the work of their hands, which should engage your attention in the early session, whilst the several committees are preparing other measures for your consideration.

The very cursory reading which I have been able to give to a portion of the civil practice act, made a favorable impression upon my mind, and it is to be hoped, upon a full and careful examination by you, that it will be found quite acceptable, and that you will not feel it necessary to make many changes in the same.

INVESTIGATING COMMISSIONERS.

Under the law of 1858, requiring me to appoint Commissioners to investigate the State Executive offices, I appointed Messrs. Jno. A. Kasson, J. M. Griffith and Thomas Seeley, whose reports will be laid before you.

Their examinations have embraced the transactions of several years, and their reports contain much valuable information and statistics not elsewhere found. Indeed, a very cursory inspection of their reports, will show how full and satisfactory, and at the same time, with what ability and thoroughness the investigation has been conducted; making it unnecessary, perhaps, ever to go back of these reports for additional information, in regard to the manner in which the business in these offices has been conducted. They present, in my judgment, many important suggestions respecting the executive administration, some of which may require legislation, and to which I ask your careful attention. Among the more important topics presented by them for consideration, I mention the following:

OFFICE OF SECRETARY OF STATE.

In this office are deposited most of the bonds executed to the State. No provision of law exists for recording them. Many of them secure the State against malfeasance in office, in very large amounts, some of them being for over 200,000 dollars. The Commissioners suggest that it should be required by law, that the officer charged with the custody of any such bonds, should immediately, on filing it in his office, deliver it to the Register of the State Land Office, to be recorded in a volume to be kept for that purpose, and that

such copy and certified transcripts from it, should be made prima facie evidence of the contents of the original in courts of justice in this State. The original and the copy being thus kept in separate departments, would diminish the hazards of loss by fire or otherwise.

STATE LAND OFFICE.

It appears by their report on this office, that sundry books are still wanting, to comply with the terms of the act establishing that office, and fully to accomplish the object of its establishment; also, that no records or papers respecting the territorial grant of lands on which Iowa City is situated, were found in the office.

It further appears that many errors exist in the patents of lands issued by the Secretary of State, prior to the organization of this office, which demand correction and adjustment. Other important facts and suggestions are contained in the report on this office, to which it would be well to give attention.

OFFICE OF SUPERINTENDENT.

This department was found in a very unsatisfactory condition, mainly attributable to the confusion occurring during the superintendency of Mr. Eads. The commissioners were unable to state the accounts of that office from any reliable data found among its papers or books. From data found elsewhere, they ascertained the amount of the 5 per cent. fund received from the United States, up to the 1st of June, 1858, to be..... $552,609.08

And amount of premium on drafts therefor, by Col. Benton, to be.....	37.98
Making a total of.....	$552,647.06
Of which is only accounted for	403,672.36
Leaving a balance unaccounted for of	$148,974.70

This amount represents the sum loaned to individuals, retained, or otherwise disposed of by Mr. Eads; the condition and security of which was reported upon by J. M. Beck, Esq., under the direction of a former General Assembly, but which is more fully traced out in the report of the commissioners, who find against Eads an actual deficit of some $72,880.97; subject, however, to a deduction of Waite's note $1,000, since paid, and whatever else may be realized from the collaterals held by the State.

The commissioners found no account in this or any other office, showing the amount of school fund chargeable to the several counties of this State, as five per cent. fund distributed to them, or as proceeds of sale of school land held by them, and enabling them to ascertain reliably the present amount of the school fund of this State. Taking the figures furnished by the last report of Superintendent of Public Instruction, and correcting the computation made by him, the total amount appeared to be $2,071,241.59. But they do not consider this sum reliably ascertained.

The present constitution (Art. 7, sec. 3,) requires that all losses to the permanent School or University Fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers control-

ling and managing the same, shall be audited by the proper authorities of the State. The amount so audited, shall be a permanent funded debt against the State in favor of the respective fund sustaining the loss, upon which not less than 6 per cent. annual interest shall be paid.

The commissioners are of opinion that no data exist at this time in any of the State offices, for the discharge of this constitutional duty, and that only the particular examination by a local or general agent in each county, together with a special examination in the State land office of lands sold pertaining to this fund and the consideration therefor, as shown by certificates of purchase and payment, and on examination in the Auditor's office, of vouchers of five per cent. fund distributed to the counties, will render it possible to audit this constitutional claim.

I should be faithless to my convictions of duty, if I did not endorse and specially invite your attention to some cogent reasons which they also offer for a partial change in the management of this fund. While the people of the whole State are liable for losses to the fund, it is only the people of the county who designate and elect the officers managing it in its counties. They suggest that the counties, as principals, should be responsible to the State for the conduct of their own several agents, that the responsibility of loss may rest upon those only who control its management. This principle is one of universal application in law, is just, and is well worthy of your consideration, as likely to increase the care and vigilance of the people in protecting this important fund from loss. This fund is dedicated to the support of common schools. The efficiency of the system

will depend much upon the promptness with which the annual interest upon the fund is paid. I learn that interest to the amount of $120,000 is now due, that should have been paid a year ago or more. The annual payment of interest due this month, it is expected, will greatly add to this sum. It is believed that if the counties were made corporately responsible for the payment of the interest of their defaulting citizens, the moral effect would be to stimulate the loanees to pay more promptly their interest, inasmuch as they would be less willing that their own neighbors should pay for their laches than the State at large.

Again, it is suggested whether the annual payment, by the counties, of nine per cent. interest, they loaning it at ten per cent. would not realize a larger annual revenue to the fund, and be much more reliable for the support of common schools, than the irregular payments of interest at ten per cent. dependent upon the promptitude of individuals.

The liability for the principal or the interest of this fund, cannot be forced upon the counties. But it is supposed that the State has the power to withdraw the funds from them, unless, under authority of your legislation they would assume the liability proposed for the conduct of their own officers and agents, in the management of the fund. For other important suggestions bearing on these questions, I respectfully refer you to the 16th and 17th pages of the report upon this office. Also, to a resolution passed by the Board of Education, at its last session, expressing similar views.

TREASURY DEPARTMENT.

The very full report of the commissioners upon the Treasurer's office, presents several important tables and accounts. The late Treasurer has, during his three terms of office, up to June 1, 1858, received for general purposes, $938,560.92. Tabular statements are furnished, showing the sources from which this amount was derived. After reviewing this entire account, they find a balance against the State Treasurer larger than that fixed by the Auditor, by the sum of $315.28, and ascertained by actual count, on that day, the sum of $845.66, as wanting in the treasury, of which $315.28 was not called for by the Auditor's settlement; and of the remainder, a partial explanation is given in the report. At that date a portion of the funds called for was represented by certificates of deposit, which were afterwards redeemed, and the money placed in the treasury.

They found in the Treasurer's office, an account which has been lost sight of for many years past, relating to the sale of lots in Iowa City, and the payment to the treasury of a small annual salary therefor under the supposed authority of a territorial act. I call your attention to the facts there presented, and to the propriety of a transfer of the books and papers relating thereto, from the offices of the Secretary and Treasurer of State, to that of the State Register, and the transfer of the control of any bonds or lots there remaining unsold, to the same office, with instructions to report at your next regular session, the condition of said property; how much yet remains to be sold, whether there have been any lots or lands sold, the purchase money of which has not been paid, &c.

Since the date of their report, the system of book-keeping in this office has been changed, and many of their suggestions adopted; the incoming Treasurer having opened new books and improved the system of accounts.

They urge, however, the importance of more frequent settlements with the Auditor, than those now required by law. I commend the various suggestions touching this department of State administration to your sound consideration.

AUDITOR'S OFFICE.

The report upon this office shows some differences in amount of warrants issued, from that indicated by the various Auditors' reports since November, 1852. After examining every warrant entry on the register from that date up to the first of January, 1859, they were posted to certain schedules shown in their report, the total of which should balance the total amount of warrants reported by the several Auditors as issued during that period. There is, however, a discrepancy, partial explanations of which are suggested by the report.

The difficulties in the way of their examination, and of satisfactory results from it, have led them to recommend a radical change in the system of keeping books and accounts in this office. Many improvements, I understand, have been introduced by the present Auditor, not reaching, perhaps, all the changes which they recommend. For the details of this subject, I refer you to the report itself.

They also call attention to the expediency of separating the appropriation bills for the regular and permanent expenditures of government, from that for occasional expendi-

tures usually included under the general appropriation bill. When the former are made for two fiscal years, as has been the custom, it practically leaves the government without appropriations for the period, from the first of November, the close of the fiscal year, until the next appropriation, which is usually in March.

I concur in their suggestion, that the fiscal year and the calendar year should now be made identical.

They also suggest a mode of keeping the accounts by certain schedules, which will guard against over-drafts of appropriations by accident, or otherwise, which, also, is commended to your attention.

It is further recommended that a special deputy be assigned in this office to the keeping of the books and accounts of the School Fund, now amounting to over $2,000,000 and still increasing; the charge of which has recently been transferred to this office, and which ought to be kept entirely distinct from all revenue accounts. A complete examination and settlement of the account between the permanent and temporary school funds, and the different counties of the State, should be made and regularly kept.

For several years past the accounts of these funds have been greatly confused, and the necessity of a reform I have already indicated.

EXECUTIVE OFFICE.

Among others, you will examine their report upon this office, which contains suggestions worthy of your notice. The Commissioners append to each report a list of the books and papers of each office, which show the description

and extent of these Archives of the State. Their general review of the actual condition of the several offices, and the past legislation affecting them, which has involved much labor on their part, will be permanently useful in any legislation introducing reforms or increasing the security or facility of transacting the public business.

REFLECTIONS.

I have thus given you, perhaps, an unnecessary detailed exposition of the affairs of the State, so far as they pertain to its several financial and executive departments, accompanied with such suggestions, in regard to improving their condition, as seemed to me to call for your careful consideration.

During my brief administration, I have scrupulously endeavored to omit nothing that could protect or advance the diversified interests of the State.

In the unadjusted condition of our various land grants, in the abuses, frauds, and mismanagement of our school funds and lands, in our border difficulties, coupled with other official duties, I have found my time constantly employed.

In closing this communication, I desire to say, that, although our people have received a terrible shock to their hopes, I have, myself, an abiding faith in the future of Iowa, founded upon the laws and elements of growth—upon her recuperative powers, and the genius and enterprise of her people. But then in this respect they should have fair play. This genius and enterprise should be duly encouraged and directed into proper channels. Let our system of railways be completed—cease to tax the labor of

our people by emancipating from taxation all improvements, the product of their industry made upon the soil—give, under the homestead bill proposed in Congress, the ten thousand scores of homes, which we still have in reserve for the landless poor, that they may have a little spot of free earth which they can call their own.

Give to our young farmers and mechanics the benefits of Morrill's Agricultural College Bill, which proposes to develop a new interest, and an increased efficiency in general husbandry and the useful arts, by bringing to their aid the treasures of science and knowledge, so that the *labor* thus educated, which may be expended upon the soil, should yield the richest reward with the least expense. These two national measures, so comprehensive in their range of usefulness, demand a public recognition at your hands. But what is of still more importance than all these, and upon which our wealth, strength, and prosperity will more immediately depend, is such an organization of the industry of the State as would enable our people to work in combination with each other, and so to diversify their labor and employments, that they may furnish for themselves the facilities for obtaining most of the necessities and comforts of life. The teachings of a true social economy forbid that a whole State should engage in one pursuit, not even that of agriculture; grand, noble, and indispensable as it is.

For this would compel the State on the one hand, to lose all the labor that could not be employed in the field, and on the other, deprive our citizens from making exchanges among themselves, and compel them to export their surplus produce to distant markets, at great cost. This, perhaps,

would suit our Eastern neighbors, who would be glad to have the loom and anvil left to their management and control, and we, in the West, supply them with the products of the field, and their workshops with our raw material.

The immediate effect of this policy, however, would be to suppress manufacturers at home, and build them up abroad, whilst the cost of transportation both ways would fall upon us and ever keep us poor. But the important fact is, that the true interests of our people lie in another direction. Take an illustration. Last year we saved for ourselves a half million of money in the manufacture of Sorghum molasses and sugar, which, under the system indicated, would have gone out of the State for the purchase of sweetening, in some form. A few more years will put an end to this drain upon our pockets, for such objects. Why not carry this principle a step further? tan our own leather —make our own boots, shoes, and hats—manufacture all our agricultural implements—all our household furniture—our woolen and cotton cloths—our wagons, carriages and harness—our barrels, baskets and brooms—our cars and locomotives—our engines and machine work of every description. Under this system of economy we would not send our rude materials one or two thousand miles to be worked up, and returned to us with the cost of finished commodities added to that of transportation for our own use; under which process our money would not always be flowing out of the State. But they would be manufactured in our midst —the producer and artizan would be brought face to face—they would operate their several branches of industry along side of each other. What one class of operatives produced,

would be consumed by others, and thus their exchanges would be made upon the same theatre of action; a home market created—their money, or the profits of their labor, retained in the State, to be employed either in the arts and adornments of life, or in some other enterprise where it would again re-produce itself in some other form. Under no other system of operative industry has any State or people on earth ever become rich and powerful.

But the question may be asked, how is this to be accomplished? The first step, undoubtedly, would be for the Federal Government to return to the tariff of 1842. The second, for the people of this State, and for you, by your legislation, to offer every possible inducement for artizans and manufacturers to settle in our midst.

This done, the population and wealth of the State will take a new bound. It will have the effect to refine and diversify the pursuits of our people—to emancipate labor and make it free—to give to the laboring masses a feeling of moral worth—a throb of self respect—a perception of the rights, dignity and duties of their calling.

Invoking the spirit of Divine truth to crown your efforts for the public weal with success, I now take my leave of this branch of the public service.

RALPH P. LOWE.

JANUARY 9th, 1860.

VETO MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1858

From the Journal of the Senate, p. 330

Gentlemen of the Senate and House of Representatives:

I return, with my objections, to the Senate whence they originated, the Joint Resolutions authorizing the Commissioners to conform the laws of the State to the Constitution, and report to the present session of the Legislature the same: Also to prepare a code of civil and criminal procedure and revise the laws, and report the same at such time as the Legislature may designate.

This is no uncommon form of legislation, but it should be remembered that Joint Resolutions directing something to be done by third persons, either during or after the termination of the legislative session, take the form as well as the force of law, and are subject to the same regulations and solemnities in their enactments as other bills. The Constitution of this State requires the style of all laws to be, "*Be it enacted by the General Assembly of the State of Iowa.*" The resolutions in question are wanting in these enacting words of the Constitution.

It has frequently been held that without them the law is not and cannot be valid, nor will equivalent words satisfy the absolute requirement of the Constitution in this respect.

Again, the third and fourth resolutions require the Codifying Commissioners to perform certain duties during your present session, without making provisions for their taking effect immediately by publication: they will therefore have no binding efficacy until published by due course of law, when they will become negatory by loss of time, and ought not to encumber the Statute book.

The first and second resolutions, fixing the day of adjournment, and prohibiting under certain circumstances the introduction of new business after a given day, are intended only to prescribe a rule of action for the General Assembly itself—subject at any time to be changed or altered at the discretion of the two Houses. Yet they are inseparably coupled with other enactments having the force of law, and must necessarily be published and bound up with the laws of the State, long after they have expended their force and cease to have any operation.

This is a system of legislation I think had better not be indulged in, and therefore with great respect I return the resolutions with these my objections.

RALPH P. LOWE.

SPECIAL MESSAGES

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1858

From the Journal of the House of Representatives, p. 304

EXECUTIVE CHAMBER, DES MOINES, IOWA, Feb. 16, 1858.

To the Speaker and House of Representatives:

I am requested to inform your Honorable Body, *First*, What amount of lands of the Des Moines River Grant has been disposed of; *Secondly*, For what sum of money in the aggregate, and *Lastly*, What amount of money has been expended in the improvement of said river.

The entire Grant of the Des Moines River Lands embraced within the chartered limits of the State, as accurately perhaps as can well be ascertained, is 853,430 acres.

Of this amount the General Government, as yet, has only certified to the State, 593,430.89 acres. Out of this last amount, up to the 9th of June 1854, being the date of the contract between the State of Iowa and the Des Moines Navigation and Railroad Company, the Board of Public Works and State Commissioner have sold and disposed of 327,314.53 acres. For which they received $410,750.26. The manner in which this sum has been expended upon the Des Moines River Improvement, with all the items composing the expenditure will be seen by reference to a report of a Special Committee appointed to investigate the offices of

the Des Moines River Improvement made to the General Assembly of '54, and found in House Journals of that session, page 281 of the Appendix.

Since the 9th of June, 1854, there has been certified to the Des Moines Navigation and Railroad Company, at $1.25 per acre, 205,489 and 23-100th acres; also a suspeuded requisition now in dispute for 24,000 acres more, being a balance of 37,537 acres undisposed of out of the amount certified by the General Government to the State.

How much has been expended upon the Improvement since the 9th of June, 1854, by the Company, is a controverted point between them and the Commissioner of the State.

The company claims to have expended on account of the Improvement, including all incidental expenses, $544,547.84.

The State Commissioner reduces this amount $270,005.84.

The joint committee of twelve appointed at the last session of the General Assembly to investigate the offices of the Des Moines River Improvement, of which D. T. Brigham, Esq., was the Chairman, report an expenditure, when superadded to the amount of work alleged to have been done the last year, not essentially different from the estimate of the State Commissioner.

It would be traveling, perhaps, beyond the scope of your resolution, to indicate some of the causes out of which this difference in the estimate of expenditures has grown. I beg leave to suggest the opinion that the same can be amicably adjusted, and would recommend the appointment of a competent Commissioner for that purpose, or the raising of a joint committee of the two Houses to settle all points of

difference between the parties, and dissolve the contract if deemed expedient.

RALPH P. LOWE.

TO THE SENATE

FEBRUARY 18, 1858

From the Journal of the Senate, p. 249

To the President and Gentlemen of the Senate:

Under the act of the General Assembly entitled an act concerning School moneys, approved January 28th, 1857, Joseph M. Beck, Esq., was appointed an agent to investigate the official acts of Jas. D. Eads, late Superintendent of Public Instruction in this State.

That duty he performed with praiseworthy ability, and made a report thereof to my predecessor, to which your attention is invited, showing a defalcation or indebtedness on the part of that officer in the sum of $46,403.80.

Lest the matter may be overlooked in the midst of your multiplied duties, I deem it proper to suggest the following method of adjustment, as affording, perhaps, the promise of greater indemnity to the School Fund, more despatch and less expense, than would be secured by a suit upon the official bond of the said Eads against him and his sureties: and that is, the passage of an act or joint resolution providing for the appointment of a suitable commissioner to settle with the sureties of the said Eads, upon the basis of the report made by the said J. M. Beck, Esq., permitting the said sureties to make an equitable apportionment among themselves of their liability, and securing the same by note

and mortgage on five or eight years time, paying the interest annually, in like manner as other loans of the School Fund are required to be paid.

I have received information to the effect that such an arrangement, in all probability, could be made. If so, more will be accomplished for the interest of the State, in my judgment, in this way, than can be by any legal proceeding instituted upon the bond.

The individual notes and mortgages of doubtful availability which were turned over by J. D. Eads to be placed to his credit, should, in justice, perhaps, to his sureties, in the event of a settlement, be placed under their control, as a partial indemnity for their liability, so far as the same could be made available.

RALPH P. LOWE.

TO THE SENATE

FEBRUARY 27, 1858

From the Journal of the Senate, p. 327

EXECUTIVE CHAMBER, February 27, 1858.

To the President and Gentlemen of the Senate:

Agreeable to your request I herewith communicate to your honorable body an abstract of the reports of the agents appointed by my predecessor to examine into the state and condition of the school fund and school bonds in the several counties of this State. Reports have been received from 43 counties, some of which are very voluminous and complicated, yet I have been able with time, to compile a tabular statement, hereto annexed, showing,

1st. The names of the counties from which reports have been received.

2d. The amount which each county has received of the five per cent fund.

3d. The amount of penalty of each School Fund Commissioner's bond.

4th. The number of acres unsold, and the number of acres sold of the 16th section, and so much of the 500,000 acre grant as was located in said counties.

5th. The aggregate number of acres of the 16th section, and also the aggregate number of acres of the 500,000 acre grant selected in each county.

6th. The amount of the school fund loaned and the time for which the same was loaned as well as the character of the security.

7th. The amount loaned, due and unpaid.

8th. The amount of cash in the hands of the School Fund Commissioners.

9th. The amount of uncollected debts.

10th. Amount of suspended and doubtful debts, together with an imperfect statement of the annual expense of conducting the system in each county.

The reports of the several agents show great laxity and carelessness of the manner in which the financial part of the system has been conducted in some of the counties, amounting in some instances to irregularities, abuses, and frauds, many of which can be corrected, it is believed, by proper instruction from the Superintendent of Public Instruction or from this department of State. The bonds of many of the County Fund Commissioners should be increased, with

additional and better securities. The practice of the Commissioners loaning money to themselves, or retaining considerable amounts in their own hands, should be interdicted. The manner of keeping their books and accounts should be reduced to a uniform system, with instructions to report annually certain specified facts, in proper tabular form, that the department of Public Instruction might be duly informed without the expense of investigating agents.

There are two or three counties from which reports have been made, which demand further attention. For instance, the school fund has lost the proceeds of 80 acres of land in Linn county, which should be made up by the General Government, in a like quantity of land. It seems that anterior to the congressional surveys, one John G. McLoud had erected a mill on one of the school sections. By a special act of Congress, 40 acres including the mill, was sold to the said McLoud, and has not been repaid. Also, prior to our admission into the Union, the General Government sold the N. W. quarter of the N. E. quarter of section 16, township 83, range 7 West—40 acres.

In Decatur county, out of the 500,000 acre grant, there was selected and returned 40,641.28-100. All these lands are reported to have been sold, yet the books of the School Fund Commissioner show a sale of 39,948.16-100 acres, making a discrepancy of 693 acres. Ownership to the 693 acres is set up and receipts for the purchase money exhibited by the occupants. If they are bona fide purchasers and have paid their money, the School Fund Commissioner should be made to account. I am advised similar occurrences have transpired in other counties not yet heard from.

The precise character of these irregularities should be early inquired into, and the appropriate remedy applied, which I shall feel it my duty to do, unless it is made the duty of some other officer.

It is believed that great abuse and frauds have been practiced in Tama county, in the sale of the 16th section. An act to amend chapter 65 of the Code, and to provide for the sale of saline, school and university lands, approved Jan. 25th, 1855, requires that these lands should be offered at public sale three different times, six months or more apart, before they shall be subject to private entry, and then not less than their appraised value. In January, 1857, 3200 acres of the 16th section, were offered at public sale at Monticello, in said county, (being the first and only time that they were so offered) and run up to a high figure by fictitious bidders employed for that purpose, to prevent actual settlers and inhabitants from becoming purchasers. After the sale, these bidders privately perfected their bids, and the parties for whom they acted, in collusion with the School Fund Commissioner, purchased the same at private entry at the appraised value thereof. All this is and was a fraud upon the school fund, a clear violation of the statute, and consequently a void sale, and should so be declared unless the present pretended owners and occupants should be willing to take and pay for the lands at the prices for which they were bid off. Much praise is due to T. Walter Jackson, Esq., the agent appointed for bringing to light this fraud in the sale of the school land, with all the attending circumstances, together with the testimony supporting the facts. Although somewhat expensive, I think the investi

gation by these agents of the affairs of the School Fund Commissioners, will result in much good, correcting many abuses, and preventing losses to the school fund by calling attention in time to have them obviated.

In prosecuting the investigation of the other counties, I am of the opinion a much less number of agents ought to be employed, and these upon contracts made in advance.[1]

RALPH P. LOWE.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1858

From the Journal of the House of Representatives, p. 417

EXECUTIVE CHAMBER, IOWA,
DES MOINES, February 27th, 1858.

To the Speaker and Gentlemen of the House of Representatives:

I have caused such records and documents as could be found at the capitol, bearing upon the inquiry propounded in your resolution relating to the arms received of the General Government by the State of Iowa, and the condition and disposition of the same, to be examined, without being able to obtain that complete information you desire. These records and documents consist only in the bonds filed in the office of Secretary of State by the independent military companies; but, as in some instances companies received no arms after depositing their bonds, these are not conclusive

[1] Accompanying this message is an abstract of the reports relating to the School Fund. See Journal of the Senate, p. 329.

evidence even of the number and description of arms issued to said companies. I am informed by the Commissary General, that there is a considerable quantity of military stores at Ft. Dodge, at which place they were deposited by the late Adjutant General, during the Indian troubles in the Northwest, in the spring of 1856. I have no information as to the precise character of these stores, but have been assured that they have been kept in good condition since their deposit at that point. It is proper to say in this connection, that the Adjutant General resides away from the capitol, and I have had no opportunity since the communication of your resolution, to examine the records in his office. I have called his attention to your inquiries, and will communicate to your honorable body any information touching the same which may come into my possession prior to your adjournment.

RALPH P. LOWE.

TO THE SENATE

MARCH 5, 1858

From the Journal of the Senate, p. 405

To the President and Gentlemen of the Senate:

I beg leave to notice that the "act to give additional security to land titles in this State," and also the "act to give greater security to purchasers and mortgagees of real estate," have both become laws without my agency, as they were not returned within the time limited by the Constitution with my approval.

RALPH P. LOWE.

TO THE HOUSE OF REPRESENTATIVES

March 20, 1858

From the Journal of the House of Representatives, p. 719

Executive Chamber, Iowa,
Des Moines, March 20th, 1858.

To the Speaker and House of Representatives:

I have the honor to submit a communication from the State Printer, Mr. Teesdale, explaining the reason why the Inaugural Address delivered by myself had not been printed in the Holland language.

Further than this, I have no information touching the enquiry contained in your resolution, as I was not charged personally or officially with the superintendence of that matter.

Ralph P. Lowe.

Office of State Printer,
Des Moines, March 17th, 1858.

To His Excellency Gov. Lowe.

Dear Sir:—Your note of inquiry is before me. In reply I would state that the Inaugural Address of the present Governor has not been printed in the Holland Language, for the reason that the only establishment in the State, where it can be printed, has refused to print it. The reason rendered for such refusal, is that the translating of the document was not given to the proprietor of said establishment.

Respectfully yours,
J. Teesdale, State Printer.

PROCLAMATIONS

DECLARING THAT CERTAIN ACTS RELATIVE TO BANKING HAD BEEN APPROVED

JULY 29, 1858

From MS. Copy of Executive Register, Vol. I, p. 459—in the Office of the Secretary of State, Des Moines

Whereas two acts of the late General Assembly, one entitled "An Act to incorporate the State Bank of Iowa" Approved March 20th 1858, the other "An Act authorizing General Banking in the State of Iowa" approved March 22d 1858—were submitted to a vote of the people of this State for their approval or rejection on the 28th day of June of the present year, according to the provisions of the act of submission, ordering a special election for the purpose, approved March 23d 1858. And whereas an official canvassing of the votes of the State at the time and place and in the manner prescribed by law, it was found that the vote upon the State Bank of Iowa were Forty one thousand five hundred & eighty eight for and Three thousand six hundred & ninety seven against the same, And that the vote upon the General Banking law were Thirty thousand four hundred & nineteen for and Ten thousand four hundred & forty seven against the same, a certificate of which facts stating that the number of votes given for and against each of said laws was duly filed in the Office of the Secretary of State as required by law.

Now therefore I, Ralph P Lowe, Governor of the State of Iowa, by the authority given me in law, do hereby make known and declare that both of said acts have been approved by a majority of all the electors of this State voting for or against the same, and as such have taken effect and are now in force as laws of this State.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Iowa—

L S Done at Des Moines this 29th day of July A D 1858, of the Independence of the United States the 83d and of this State the 12th.

RALPH P. LOWE

DESIGNATING OFFICES TO BE FILLED AT THE GENERAL ELECTION

AUGUST 9, 1858

From MS. Copy of Executive Register, Vol. I, p. 463—in the Office of the Secretary of State, Des Moines

Whereas, by an act of the Seventh General Assembly of the State of Iowa, entitled "An act revising & amending Title IV. of the Code, & further providing for elections, filling vacancies in office, resignations, and contesting elections," approved March 23rd 1858, it was made the duty of the Governor, at least thirty days before any general election, to issue his proclamation designating all the offices to be filled by the vote of all the electors in the State, or by the electors of any Judicial District;

NOW THEREFORE; I, RALPH P. LOWE, Governor of the State of Iowa, do by this my Proclamation publish &

declare, that at the next General Election, to be held in this State, on the second Tuesday of October next, the following offices are to be filled by vote of all the Electors of this State, to wit:

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Attorney General.

The office of Register of State Land Office.

The office of Commissioner of the Des Moines River Improvement.

And the following offices are to be filled by vote of the electors of each of the Eleven Judicial Districts of this State, as established by act of the said General Assembly to wit:

The office of District Judge.

The office of District Attorney.

The office of one member of the Board of Education.

Whereof all citizens and officers concerned, particularly the Sheriffs of the several counties, will take notice and be governed accordingly.

In Testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

(L. S.) Done at Des Moines this 9th day of Aug. A. D. 1858 of the Independence of the United States the 83rd of this State the 12th.

RALPH P. LOWE.

BY THE GOVERNOR,

ELIJAH SELLS, *Sec'y of State.*

ORDERING A SPECIAL ELECTION

SEPTEMBER 9, 1858

From MS. Copy of Executive Register, Vol. I, p. 470—in the Office of the Secretary of State, Des Moines

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Whereas; the office of Representative in the General Assembly of this State in the 38th and 40th Representative Districts composed of the Counties of Mahaska and Warren, has been rendered vacant by the removal of A. M. Cassady Esq., from the first and the resignation of C. E. Millard Esq., in the second

And whereas also the office of Senator in the 22nd Senatorial District of this State composed of the County of Cedar, is now vacant by the resignation of J. W. Cattell Esq., which said resignation has been duly accepted by me.

And whereas, by an act of the General Assembly of the State of Iowa, approved March 23rd 1858, it was among other things made the duty of the Governor, to issue his proclamation announcing such vacancies and designating the time at which a special election shall be held to fill the same.

Now therefore, I Ralph P. Lowe Governor of the State of Iowa, do by this my proclamation order and direct that a special election be held, upon ten days notice given according to law on the second Tuesday of October next, being the same day of the general election for State officers, for the purpose of electing one Representative to the General Assembly from each of the above Representative Districts, and also one Senator to the General Assembly from the above Senatorial District, to fill out the unexpired term of the late incumbents in said districts.

Whereof the electors of said districts will take due notice and especially the Sheriffs of said Counties whose duty it is under the 5th section of said act, to give at least ten days notice, thereof, by causing a copy of the proclamation to be published in some newspaper in the County if any be published therein and if not by posting a copy of the proclamation in not less than five of the most public places in the County.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

Done at Des Moines this 9th day of September A. D. 1858, of the Independence of the United States the 83rd and of this State the 12th.

RALPH P. LOWE

BY THE GOVERNOR

ELIJAH SELLS, *Secretary of State*

DECLARING THAT CERTAIN BRANCHES OF THE STATE BANK ARE AUTHORIZED TO CARRY ON BUSINESS

OCTOBER 12, 1858

From Original MS. in the Office of the Sec. of State, Des Moines.

Whereas—The Commissioners appointed by the act of the seventh General Assembly of this State entitled "An act to incorporate the State Bank of Iowa" approved March 20th 1858, to carry into effect the provisions of said act, have by a majority of said Commissioners to-wit: Ezekiel

Clark, C. H. Booth, E. H. Harrison, J. W. Dutton, W. J. Gatling, Elihu Baker, W. L. Dart, and Edward T. Edgington, — certified to the undersigned, that the following Branches of the State Bank of Iowa, viz.

The Branch of the State Bank of Iowa at Iowa City.

The Muscatine Branch of the State Bank of Iowa at Muscatine.

The Dubuque Branch of the State Bank of Iowa at Dubuque.

The Branch of the State Bank of Iowa at Des Moines.

The Oskaloosa Branch of the State Bank of Iowa at Oskaloosa.

The Mt. Pleasant Branch of the State Bank of Iowa at Mt. Pleasant.

The Keokuk Branch of the State Bank of Iowa at Keokuk Lee County, Iowa.

The Merchants Branch of the State Bank of Iowa at Davenport,

have been formed and duly organized according to the provisions of said act, that their stockholders, directors and officers, respectively are men of responsibility and integrity entitled to public confidence, and that said Branches are lawfully entitled to commence the business of Banking under said Act.

Now Therefore be it known that I, Ralph P. Lowe, Governor of the State of Iowa, being satisfied that said law has been in all respects complied with,—do by this my public proclamation, in accordance with the provisions of said act, set forth and declare that the above named Branches of the State Bank of Iowa are respectively authorized to commence

and carry on Banking under the provisions of the aforesaid law at the places severally designated in their certificate of association.

In Testimony Whereof I have hereunto set my hand and caused the great seal of the State of Iowa to be affixed.

(L. S.) Done at Des Moines this twelfth day of October in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third, and of the State of Iowa the twelfth.

Ralph P. Lowe.

By the Governor

Elijah Sells, *Sec'y of State.*

ON THANKSGIVING

October 25, 1858

From MS. Copy of Executive Register, Vol. I, p. 477—in the Office of the Secretary of State, Des Moines

The people of Iowa will do themselves an important service by observing Thursday the 25th day of November next as a day of praise and thanksgiving to the Lord of Heaven; for that his name is still excellent in all the earth, and that he is never weary in the dispensation of his benefits and blessings.

If he has not filled our barns with a plentiful harvest the past season, he has nevertheless given us remarkable health,

watered our beautiful plains bountifully with the showers of God, that they may be prepared for a greater increase of fruits.

By his providence he has shown to us the strange evanescence of riches that have wings—the folly of attempting to fare sumptuously every day, by vain schemes of speculation, instead of hardening the hand, and moistening the brow with honest toil. For these and all the other mercies of life, let us on that day go into our temples of worship, and fill them with thank offerings to the God of our Fathers. Praise him for giving to this whole land so largely of his spirit by which the faces of multitudes have been turned Heavenward. Praise him for the Christian's faith the spread of our holy religion the triumphs of science, and the progress making in the peaceful arts. Praise him for the moral and social improvement of the race, by means of the intercommunication of telegrams and railways. Let the Spirit of Divine truth be invoked to push forward all the great enterprises of the age, and that the outgoings of the morning and evening may still continue to rejoice over us.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa. Done at Des Moines this 25th day of October (L. S.) A. D. 1858, of the independence of the United States the eighty third, and of the State of Iowa the twelfth.

RALPH P. LOWE

BY THE GOVERNOR

ELIJAH SELLS, *Sec'y of State*

RECOMMENDING A DAY OF FASTING, HUMILIATION AND PRAYER

March 28, 1859

From the Iowa Citizen, Vol. IV, No. 8, April 6, 1859

Whereas, the past winter has been one of special trial and destitution to many of our people, on account of which we should humble ourselves before him who directs in ways and to ends unseen by human wisdom, according to his own pleasure; and whereas, abstinence from food, accompanied with religious humiliation and the prayer of faith, in seasons of public distress, are recorded among the general duties of all christian communities. I, therefore, would respectfully recommend Friday, the 22d of April, to be observed by all the people of this State as a day of Fasting, Humiliation and Prayer, that thereby we may propitiate a kindlier providence and "be fed once more with the heritage of Jacob."

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Iowa. Done at Des Moines, this 28th day of March, (L. S.) A. D. 1859, and of the Independence of the United States the 84th, and of this State the 13th.

R. P. Lowe.

By the Governor,

Elijah Sells, *Secretary of State.*

DESIGNATING OFFICES TO BE FILLED AT THE GENERAL ELECTION

AUGUST 22, 1859

From MS. Copy of Executive Register, Vol. II, p. 23—in the Office of the Secretary of State, Des Moines[1]

WHEREAS, By an Act of the Seventh General Assembly of the State of Iowa, entitled "An Act revising and amending title IV of Code, and further providing for elections filling vacancies in office, resignations and contesting elections," approved March 23d, 1858, it was made the duty of the Governor, at least thirty days before any general election, to issue his proclamation, designating all the offices to be filled by the vote of all the electors in the State.

Now, therefore, I, RALPH P. LOWE, Governor of the State of Iowa, do by this my Proclamation, publish and declare, that at the next general election to be held in this State, on the second Tuesday in October next, the following offices are to be filled by vote of all the electors of this State, to-wit:

The office of Governor;

The office of Lieutenant Governor; and

The offices of the three Judges of Supreme Court.

In the several Representative Districts, members of the House of Representatives will be chosen as follows:

In the 1st District, composed of Lee county, four Representatives.

In the 2d District, composed of Van Buren county, two Representatives.

[1] The body of this proclamation is posted in the Executive Register as a newspaper clipping.

In the 3d District, composed of Davis county, two Representatives.

In the 4th District, composed of Appanoose county, one Representative.

In the 5th District, composed of Wayne county, one Representative.

In the 6th District, composed of Decatur county, one Representative.

In the 7th District, composed of the counties of Ringgold and Taylor, one Representative.

In the 8th District, composed of the counties of Page and Fremont, one Representative.

In the 9th District, composed of Des Moines county, three Representatives.

In the 10th District, composed of Henry county, two Representatives.

In the 11th District, composed of Jefferson county, two Representatives.

In the 12th District, composed of Wapello county, two Representatives.

In the 13th District, composed of Monroe county, one Representative.

In the 14th District, composed of Lucas county, one Representative.

In the 15th District, composed of Clarke county, one Representative.

In the 16th District, composed of the counties of Union, Adams, Adair and Cass, one Representative.

In the 17th District, composed of the counties of Mills and Montgomery, one Representative.

In the 18th District, composed of Louisa county, one Representative.

In the 19th District, composed of Muscatine county, two Representatives.

In the 20th District, composed of Washington county, two Representatives.

In the 21st District, composed of Keokuk county, two Representatives.

In the 22d District, composed of Mahaska county, two Representatives.

In the 23d District, composed of Marion county, two Representatives.

In the 24th District, composed of Warren county, one Representative.

In the 25th District, composed of Madison county, one Representative.

In the 26th District, composed of Pottawattamie Co., one Representative.

In the 27th District, composed of Scott county, three Representatives.

In the 28th District, composed of Clinton county, two Representatives.

In the 29th District, composed of Cedar county, one Representative.

In the 30th District, composed of Johnson county, two Representatives.

In the 31st District, composed of Iowa county, one Representative.

In the 32d District, composed of Powesheik county, one Representative.

In the 33d District, composed of Jasper county, one Representative.

In the 34th District, composed of Polk county, one Representative.

In the 35th District, composed of Dallas county, one Representative.

In the 36th District, composed of the counties of Guthrie, Audubon, Shelby and Harrison, one Representative.

In the 37th District, composed of Jackson county, two Representatives.

In the 38th District, composed of Jones county, one Representative.

In the 39th District, composed of Linn county, two Representatives.

In the 40th District, composed of Benton county, one Representative.

In the 41st District, composed of Tama county, one Representative.

In the 42d District, composed of Marshall county, one Representative.

In the 43d District, composed of Story and Hamilton counties, one Representative.

In the 44th District, composed of Boone county, one Representative.

In the 45th District, composed of the counties of Crawford, Monona, Carroll and Greene, one Representative.

In the 46th District, composed of Dubuque county, four Representatives.

In the 47th District, composed of Delaware county, one Representative.

In the 48th District, composed of Buchanan county, one Representative.

In the 49th District, composed of Black Hawk county, one Representative.

In the 50th District, composed of Hardin county, one Representative.

In the 51st District, composed of the counties of Humboldt, Webster, Pocahontas and Calhoun, one Representative.

In the 52d District, composed of Clayton county, two Representatives.

In the 53d District, composed of Fayette county, one Representative.

In the 54th District, composed of the counties of Bremer and Chickasaw, one Representative.

In the 55th District, composed of the counties of Franklin, Wright, Butler and Grundy, one Representative.

In the 56th District, composed of Allamakee county, one Representative.

In the 57th District, composed of Winnesheik county, one Representative.

In the 58th District, composed of the counties of Cerro Gordo, Worth, Winnebago, Floyd and Hancock, one Representative.

In the 59th District, composed of the counties of Mitchell and Howard, one Representative.

In the 60th District, composed of the counties of Woodbury, Ida, Plymouth, Cherokee, Sioux, O'Brien, Buncombe and Osceola, one Representative.

In the 61st District, composed of the counties of Dickin-

son, Sac, Buena Vista, Kossuth, Emmett, Clay and Palo Alto, one Representative.

And members of the Senate in the following Senatorial Districts:

In the 3d district, composed of Davis county, one Senator.

In the 4th district, composed of Appanoose county, one Senator.

In the 5th district, composed of the counties of Wayne and Decatur, one Senator.

In the 6th district, composed of the counties of Ringgold, Taylor, Adams, Union and Clarke, one Senator.

In the 7th district, composed of the counties of Page, Fremont, Mills and Montgomery, one Senator.

In the 10th district, composed of Jefferson county, one Senator.

In the 15th district, composed of Washington county, one Senator.

In the 17th district, composed of Mahaska county, one Senator.

In the 18th district, composed of Marion county, one Senator.

In the 21st district, composed of Cedar county, one Senator.

In the 22d district, composed of Johnson county, one Senator.

In the 24th district, composed of Jackson county, one Senator.

In the 26th district, composed of Linn county, one Senator.

In the 27th district, composed of Dubuque county, one Senator.

In the 28th district, composed of Clayton county, one Senator.

In the 29th district, composed of Warren county, one Senator.

In the 30th district, composed of the counties of Madison, Dallas and Adair, one Senator.

In the 32d district, composed of the counties of Monona, Crawford, Carroll, Greene, Woodbury, Sac, Ida, Calhoun, Webster, Humboldt, Pocahontas, Buena Vista, Cherokee, Plymouth, Sioux, O'Brien, Clay, Palo Alto, Kossuth, Emmett, Dickinson, Osceola and Buncombe, one Senator.

In the 33d district, composed of the counties of Iowa and Poweshiek, one Senator.

In the 34th district, composed of the counties of Jasper and Marshall, one Senator.

In the 35th district, composed of the counties of Benton and Tama, one Senator.

In the 36th district, composed of the counties of Grundy, Black Hawk, Butler and Franklin, one Senator.

In the 37th district, composed of the counties of Delaware and Buchanan, one Senator.

In the 38th district, composed of the counties of Fayette and Bremer, one Senator.

In the 39th district, composed of the Counties of Allamakee and Winnesheik, one Senator.

In the 40th district, composed of the counties of Howard, Chickasaw, Mitchell, Floyd, Cerro Gordo, Worth, Hancock, Winnebago and Wright, one Senator.

In the 41st district, composed of the counties of Story, Boone, Hardin and Hamilton, one Senator.

And in the 19th district, composed of Scott county, one Senator to fill the vacancy occasioned by the resignation of Hon. Nicholas J. Rusch.

Whereof all citizens and officers concerned, particularly the Sheriffs of the several counties, will take notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

(L. S.) Done at Des Moines, this 22d day of August, 1859, of the Independence of the United States the 84th, and of this State the 12th.

RALPH P. LOWE.

BY THE GOVERNOR,

ELIJAH SELLS, *Sec'y of State.*

NOTE.—The fifth Section of Chapter 159, laws of 1858, provides as follows: "It shall be the duty of the Sheriff to give at least ten days notice thereof, by causing a copy of such proclamation to be published in some newspaper published in the county, if any be published therein, and if not, by posting a copy of the proclamation in not less than five of the most public places in the county."

ON FILLING CERTAIN VACANCIES IN OFFICE

SEPTEMBER 9, 1859

From MS. Copy of Executive Register, Vol. II, p. 26—in the Office of the Secretary of State, Des Moines

Whereas, the Hon. Jno. R. Allen Member of the Senate of the General Assembly of this State, from the 1st Senatorial District composed of the County of Lee, and the Hon.

Charles Mason, Member of the Board of Education from the 1st Judicial District composed of the counties of Lee, Des Moines, Henry & Louisa, have each resigned their Membership in said bodies, thereby creating a vacancy in said offices.

Now therefore, I, Ralph P. Lowe, Governor of the State of Iowa, do declare and make known, that at the next general election to be held in this State, on the 2nd Tuesday in October next, said offices now vacant, will be filled by a vote of all the electors in said Senatorial and Judicial Districts, of which all parties interested, and particularly the Sheriffs of the several Counties composing said Districts, will take due notice.

In testimony whereof I have hereunto set my
(L. S.) hand and affixed the Great Seal of the State of Iowa this 9th day of September, 1859.

RALPH P. LOWE.

BY THE GOVERNOR

ELIJAH SELLS, *Secretary of State.*

ON THANKSGIVING

OCTOBER 22, 1859

From MS. Copy of Executive Register, Vol. II, p. 31—in the Office of the Secretary of State, Des Moines

The scenes of this year will soon end; the season of the greatest trial to our health is over; the political excitement incident to the exercise of the elective franchise are past; the toils of the husbandman are drawing to a close. The year which, to the people of Iowa, commenced in gloom

and want, is ending comparatively under bright skies, and health, peace, and plentiful harvests crown the labors and duties of the same.

The distress and anguish which followed the late financial revulsion, coupled with a failure of our field crops last year, are ceasing to trouble to us, being *accepted* as a part of the Divine administration, and compensated for by unaccounted blessings in other directions. The lessons intended by them for our instruction, simply mark the goodness of our Heavenly Father.

If we have been touched by that strange providence which result from "man's want of faith in man," whereby the hopes and fortunes of our people were subjected to a painful test, still we have the comforting reflection that there is now going on a gradual re-action from doubts and fears; that there is still left unto us much of life, hope, and native energy, that there is still left unto us our goodly land, abounding in all the elements of material wealth, health and happiness, and capable of affording happy homes to millions of free laborers; that we have a state organism, still in the morning of its strength, buoyant, eager and hopeful, based upon the rights of man, securing to all classes protection of person and property, the privileges of civil and religious liberty, opportunities for moral and intellectual culture, and the pursuit of individual and social happiness.

It is expected on the day herein designated that the hearts of the people of all the confederated States of the nation will be moved to expressions of gratitude to the Bountiful Giver of all good for similar and innumerable other favor and other blessings, and that they will,—sacri-

ficing for the time being all sectional animosities upon the altar of peace and friendship,—celebrate in unison a great National Thanksgiving, in which they will at their family altars, around their festive boards, and in their temples of worship praise and exalt Him above all, forever, for that "*goodness beyond thought and power divine*" which keeps ward over the safety of the country and smiles propitiously upon the many instrumentalities that are being employed under the guidance of His own wonderful spirit for the moral elevation of our race.

In accordance, therefore, with this expectation, and in deference to a just public sentiment, I do cordially invite the good people of this State, abstaining from all secular employments, to unite in observing Thursday, the Twenty-Fourth of November next, as a day of Praise, Thanksgiving and Prayer; and for this sacred purpose I now by these presents set apart that day.

In testimony whereof I have hereunto subscribed my name, and caused the Great Seal of the State of Iowa to be affixed.

(L. S.) Done at Des Moines this 22d day of October, in the year of our Lord one thousand eight hundred and fifty-nine.

RALPH P. LOWE.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

GOVERNOR SAMUEL JORDAN KIRKWOOD

BIOGRAPHICAL SKETCH

Samuel Jordan Kirkwood, the fifth Governor of the State of Iowa, was born in Harford County, Maryland, on December 20, 1813. He was of Scotch and Scotch-Irish descent. His grandfather, Robert Kirkwood, was an officer in the Revolutionary War. His father, Jabez Kirkwood, was born in the memorable year of 1776. The early life of Samuel J. Kirkwood was spent at home on his father's farm in Maryland. At the age of ten he was sent to Washington, D. C., where he attended school four years.

In 1835 Mr. Kirkwood went with his father to Richland County, Ohio. Here the future Governor of Iowa worked on the farm through the summers and taught school during the winters. In 1840 he was employed as deputy assessor of Richland County.

At the age of twenty-eight Mr. Kirkwood went to Mansfield, Ohio, to study law in an office. Two years later he was admitted to the practice of law by the Supreme Court of Ohio. He opened an office at Mansfield, and soon thereafter formed a partnership with his former preceptor, Thomas W. Bartley. In 1843 he married Jane Clark.

In 1850 Mr. Kirkwood served as a member of the Constitutional Convention of the State of Ohio. Prior to this time he had served his County as prosecuting attorney (1845–1849).

He retired from the practice of the law and removed to Johnson County, Iowa, in the spring of 1855. Here he

formed a partnership with his brother-in-law, Mr. Ezekiel Clark, in the management of a farm of twelve hundred acres, a mill at Coralville, and a store at Iowa City.

Mr. Kirkwood's first appearance in Iowa politics seems to have been at the organization of the Republican Party of this State which took place at Iowa City on February 22, 1856. In the same year he was elected to the upper house of the General Assembly. He was reëlected to the Senate in 1858. In the fall of 1859 he was elected Governor by the Republicans of Iowa. To this office he was reëlected in 1861. Again in 1875 he was elected for a third term.

In 1866 Mr. Kirkwood was chosen United States Senator from Iowa to fill the vacancy caused by the resignation of James Harlan. Within five days of his inauguration as Governor in 1876 he was again elected to a seat in the United States Senate. By President Garfield he was given a seat in the cabinet with the portfolio of Secretary of the Interior. He continued in this position for a short time under President Arthur. In 1886 he was defeated for Congress in the Second District.

Samuel Jordan Kirkwood died at his home in Iowa City on September 1, 1894. He was buried in the cemetery at Iowa City.

Bibliographical Note.—*Annals of Iowa*, 1st Series, Vol. XI, p. 608. *Annals of Iowa*, 3d Series, Vol. I, p. 581; Vol. III, p. 308; Vol. IV, pp. 475, 547. *Iowa Historical Record*, Vol. II, pp. 321, 372; Vol. III, p. 429; Vol. VI, p. 565; Vol. VII, pp. 34, 39; Vol. X, p. 145. The most complete biography of Governor Kirkwood will be found in Lathrop's *The Life and Times of Samuel J. Kirkwood.*

FIRST INAUGURAL

JANUARY 11, 1860

From the Journal of the House of Representatives, p. 51

Gentlemen of the Senate, and the House of Representatives:

The people of Iowa have placed in your hands, for the time being, the law-making power of the State, and therefore they look to you, that, during the time you hold this trust, such course of policy shall be pursued and such laws enacted, as will tend to promote the honor and the welfare of the State.

The office to which I have been elected, and the responsibilities which I have just assumed, associate me with you to a certain extent in this work, by imposing upon me, among other duties, that of communicating to you such information as will aid you in the performance of your duties, and recommending to you such measures as in my opinion will, if adopted by you, advance the public welfare.

Under a government like ours, where the people are the source of all political power, the laws are necessarily a fair reflex of the intelligence and morals of the people; and therefore it becomes of the first importance that the standard of intelligence and morality should be raised as high as possible. In this view it has been the settled policy of the State to foster and encourage, in all suitable ways, the education of the youths of the State, so that when at a more advanced period of life, they take part in the direction and

control of public affairs, they can do so understandingly, and with an intelligent regard to the public welfare. Under our Constitution the subject of education has been almost wholly withdrawn from you, and placed in the hands of a board specially constituted for that purpose, leaving with you, however, the power of revising and amending their action. This board has just closed a session, at which they have made such changes in, and amendments to the school law as they deemed expedient and proper, and in my opinion it would be prudent for you to interfere with their action only in case that you shall find, upon examination, an overpowering necessity for so doing.

Not only is it highly important that the voice of our people, as expressed through the ballot box, shall be enlightened and intelligent, but it is imperatively necessary that the utterings of that voice be correctly and honestly reported. In a government like ours, without privileged classes, and where the laws affect all alike, we need not fear that a majority of our people will deliberately pursue a policy intended to operate injuriously upon the public welfare, because by so doing they would be acting contrary to their own best interests. We therefore feel at all times safe in submitting quietly and cheerfully to the will of the majority fairly and Constitutionally expressed, confident if at any time, from any cause, the people are led into error, they have the sagacity speedily to detect and the honesty promptly to correct the error. But if through fraud or violence, the ballot box shall cease to report to us correctly and honestly the will of the majority; if corrupt and interested men are enabled to substitute their will for that of the

people, then the assurance of safety derived to us from the honesty, the intelligence, and the interest of the people, no longer exists—our confidence in our government is lost, and we feel that we are at the mercy of dishonest men, who seek the control of our affairs for the purpose of promoting their own private interests rather than the public good. We can not, therefore, guard with too much care, the sanctity and purity of the ballot box. In my opinion, there is no measure so well calculated to effect this object, as a carefully prepared and well guarded registry law; and I respectfully recommend that measure to your consideration. It may be objected by some, that the operation of such a law is burdensome to the electors. I am satisfied that the supposed difficulty, in this respect, is much overestimated, and even were it not, I cannot conceive that any elector who properly appreciates the value of the privilege he enjoys as such, will deem burdensome any reasonable amount of time and attention that it may be necessary for him to bestow, in order to prevent his honest vote from being destroyed by a fraudulent one.

The institutions for the care of the insane, and for the education of the mute and the blind, will, I doubt not, receive from you prompt and cheerful attention and support. Established as they have been, in answer to the requirements of those better feelings of our nature, which prompt us to protect the weak and succor the unfortunate, you may rely with confidence upon the approval by our people, of all reasonable and proper efforts on your part to make them useful and efficient means for carrying out the noble purposes for which they were created.

I would also recommend to your favorable consideration, the State University, at Iowa City. It is based upon a grant made by the Congress of the United States to this State, for the support of such an institution, and, having accepted the grant, we are bound by a proper sense of State pride, by our duty properly to execute the trust confided to us, and by the interests of education, in which are involved the best interests of the State, to render the institution such an one as will be useful and creditable to the State.

The condition and affairs of the penitentiary, located at Fort Madison, will necessarily engage your careful and serious attention. The safety of society requires that the building be such as will afford proper facilities for the safe confinement of those vicious persons whose liberty is dangerous to the lives and property of peaceful and law abiding citizens.

An Agricultural College was originated at the last session of the General Assembly, and has since been located in Story county. Agriculture will be for many years to come, as it has been in times past, that interest which underlies and supports all other interests in our State; and any aid that can legitimately be given to it, should be given generously and not grudgingly. I have not sufficient information touching this institution, to enable me to make any specific suggestions in regard to it, and can only recommend the whole matter to your careful and friendly consideration.

The present condition and future management of the permanent school fund of the State deserve your serious investigation and deliberation. Under former and existing laws, this fund has been lent to individuals, and in many cases

either through the carelessness or dishonesty of the officers by whom it has been lent, the securities taken therefor have proved to be entirely inadequate, so that large losses to the fund must ensue. By a provision of our Constitution, all these losses fall upon the State and become a funded debt upon which the State must forever pay the interest. Many of the loans thus made, are now or soon will be falling due, and it becomes a matter of grave importance to determine in what manner the moneys when paid shall be again disposed of. I consider the present system open to much objection. Not only are losses of the principal constantly occurring under it, which the State is bound to make good, but even the interest is not promptly paid, so that the active fund for the support of schools is fluctuating and uncertain. I am strongly inclined to the opinion that a better policy would be to direct the payment of the principal, as it falls due, into the State Treasury, to be used as other moneys for State purposes, binding the State to pay the interest on the same for school purposes. In this way the money would, in the first instance, go to the benefit of all the people of the State alike by lessening to that extent the amount of money to be raised by taxation, and the interest would, in like manner, be paid by the people and be applied directly to their use in the support of the public schools. If this shall be deemed objectionable, I would recommend that the money when paid in, be invested either in stocks of the United States or in the best stocks of interest-paying States. In case you shall deem it proper to adopt this or a similar policy, it will be advisable to vest in the officers to whom the money shall be paid, in the first place, discretionary

power to grant indulgence of time to those borrowers whose loans are amply secured, so as not to cause unnecessary hardship or distress, during our present financial difficulties.

I would also suggest to you the propriety of a careful examination of our revenue system, with a view to ascertain if it cannot be made more certain and efficient. Any system of revenue which permits large amounts of taxes to become delinquent and to be ultimately lost to the State, must be defective, and must operate unjustly and unfairly upon our people. The deficiencies thus created in the revenue must be provided for by additional taxation upon those who have already discharged their duty as citizens, by paying the taxes assessed upon them, and they are thus compelled to bear more than their due proportion of the public burden. The laws should provide for the most rigid and exact accountability of all officers charged with the collection, control or disbursement of the public money. Any vagueness of the laws which permits an officer to retain in his hands, without detection, any portion of the public moneys, or to use them for his private benefit, not only defrauds the revenue, but introduces among officials a laxity of morals highly dangerous to the public interest. The Governor is authorized, by a law passed at the last session of the General Assembly, to institute a careful examination of the accounts of the State Officers once in each year, and I have not any doubt that the law will be found beneficial in its operations. But the amount of money paid by our people into the State Treasury, is but a small proportion of the total amount paid by them in the shape of taxes. A much larger amount is paid for county and other purposes, and in

my opinion the existing laws are defective in not requiring a more careful scrutiny of the accounts of those to whom this money is paid, and by whom it is disbursed. I therefore recommend to your consideration, in addition to any other measures your wisdom may suggest, the passage of a law requiring the Judge of each Judicial District, to appoint once in each year a skillful accountant in each county of his District, whose duty it shall be to examine carefully the books of each county officer, and to state and record an account between such officer and his county, and when necessary, between officer and officer. Such examinations by disinterested persons, would, in my opinion, have a decidedly beneficial effect; the expense attending them would be very small, and I have no doubt the people of the counties would cheerfully bear that expense for the satisfaction of knowing that the large amounts of money they pay as taxes, are applied to the proper object.

I apprehend it is scarcely necessary for me to recommend to you as close and rigid an economy in the matter of appropriations as is consistent with a proper administration of the affairs of the State. The scarcity of money, consequent upon the financial revulsion of 1857, and the failure of our crops, to a great extent since that time, has caused the payment of the taxes necessary to the support of our government, to be felt as a sensible burden by our people; and they have the right to demand, and I think, do demand at our hands, that until the present pressure is somewhat removed, and our financial affairs have become somewhat more easy and prosperous, we shall limit the expenses of the State to the smallest sum compatible with a due regard to the public interest.

An event has recently occurred in our sister State of Virginia, causing in that State an intense excitement, which has, to a greater or less degree, extended throughout our country. I allude, of course, to the late unlawful invasion of that State by John Brown, and his associates. The moving causes that led these misguided men to that mad attempt, in my opinion, may be easily and certainly found. On the 4th of March, 1853, President Pierce was inaugurated as the chief magistrate of a happy and united people. The administration of his predecessor had been marked by a settlement of the agitation of the question of slavery, growing out of the acquisition of territory from Mexico, as the administration of Mr. Monroe had been marked by the settlement of a similar agitation in connection with the territory purchased from France during the Presidency of Mr. Jefferson, and as these two settlements covered all the territory then belonging to our Government, our people fondly hoped that for a long period of time, this vexed and irritating question would be kept out of our national councils, and that the angry and embittered feelings always arising from its discussion, would then die out for want of food. As an additional basis upon which to rest this hope, our people had the solemn pledge of honor of the political party then dominant in all the branches of our national government, deliberately given at the time Mr. Pierce was nominated by them for the Presidency, that if placed in power they would resist, to the extent of their power, the agitation of that dangerous question, both in the Congress of the United States, and out of it. Unfortunately for the peace of the country, and for the preservation of those kindly and fra-

ternal feelings which should always exist among our people, Mr. Pierce and his political friends did not redeem that pledge. On the contrary, the first important act of his administration was the passage of the Kansas-Nebraska bill, by which the settlement made during Mr. Monroe's administration of the question of slavery in the territory acquired from France, was set aside, and the fountains of strife so recently closed, again opened to pour forth among our people their bitter waters. The excuse offered for this wanton, uncalled for, and most unfortunate act, was the alleged desire on the part of those who did it, to settle the question of slavery, then in a state of perfect quietude and repose; and this was to be done by introducing into our legislation a new policy which denies to Congress a power claimed for it by the founders of our government, and exercised by it from the beginning, which declares that to be unconstitutional which the makers of the constitution declared to be constitutional, and which rests upon the strange assumption that the government of the United States cannot set up and maintain in the territories of the United States a form of government demanded by a majority of our people, and identical in the disputed particular, with the form of government of a majority of the States of our confederacy. If the men who did this thing, did not know that their action would again produce among us agitation, heart-burning, jealousy, and ill-will, they were so wholly ignorant of the temper and feelings of our people, as to make them unsafe public servants. If they did know, they were unfaithful. In either view, they were faithless to the pledges they had given, as the inducement for placing power in their hands.

The Kansas-Nebraska bill was long pending, and its passage was strenuously resisted in Congress. The debates in that body upon it were acrimonious and exciting; the discussions in the public press were bitter and inflammatory, and when the passions of the people in the different sections of our country had been thoroughly aroused, their prejudices inflamed, and their pride enlisted in the contest going on in the halls of Congress, that contest was by the passage of the bill, transferred from these halls to the plains of Kansas; from the representatives in Congress to our entire people; and thus was cast into the arena as a prize to be struggled for by an aroused and excited people, a territory which, in size, in soil and in climate, is equal to some of the most powerful monarchies of the old world. Did the men who passed that act expect and desire that struggle to be a friendly and a peaceful one? The country would fain so believe, yet such belief requires that we should attribute to them a want of knowledge and foresight but little less criminal in men in their position, than would have been the expectation and desire by them that the struggle should be as it was, a hostile and a bloody one.

It is my deliberate conviction, that on the day on which the opponents of this new and most unfortunate measure, aided by a few of its original friends, defeated its legitimate consummation by defeating the passage of the so-called Lecompton Bill, which sought to enforce upon the people of Kansas a Constitution they abhorred, and which would have required, for its enforcement, the aid of federal bayonets,—on that day, the union of these States met and escaped the greatest peril to which it has yet been subjected.

But happily for all, unexpectedly to the fears of many, adversely, perhaps, to the wishes of some, that great peril was escaped; and Kansas, with a Constitution which accords with the legislation which in the last generation dedicated her to freedom, and with the wishes of her people, stands ready to ask admission into our Union, as a free State. I do not recur to these past transactions for the purpose of again stirring up ill-feelings now measurably appeased, but for the light which, in my opinion, they throw upon present events. It is as true now as it was in the olden time, that "they who sow the wind shall reap the whirlwind." During the struggle in Kansas—which makes her story a blot on the page of our country's history—the free State men of that territory were treated by their pro-slavery brethren, in that territory, and in the States, and by the General Government, as if they had not any rights, legal or natural, which either were bound to respect. Is it strange, that some of them should have ceased to respect the rights of those whom they looked upon as their oppressors?—should have learned to hate the institution for whose advancement they were oppressed? During the same period, that other new policy, called fillibusterism, and the doctrines by which it is sought to be upheld, attained full force and vigor. It was insisted, in substance, by our southern brethren, and either openly or tacitly approved by many in the north, that if our people should find upon our borders, or within reasonable reach of us, a weak and helpless nation, who could be attacked with comparative safety, and whose form of government did not attain to our standard of perfection, it was not only the privilege, but the mission of such of our

people as desired to engage in the laudable undertaking, to invade her territory with fire and sword; to bring upon her peaceful inhabitants, men, women and children, all the horrors of war: and having thus carried through and perfected a process of "regeneration," to establish on the ruins of her government, our own free institutions, prominent among which, according to the advocates of this doctrine, stands human slavery.

Is it strange that the bare promulgation of these doctrines, acting upon the minds of men maddened by the recollection of wrongs inflicted upon them in Kansas because of their love of freedom, should lead them to the conclusion that they should do and dare as much at home for liberty, as those who have oppressed them were doing abroad for slavery? It seems to me most natural, and while I deeply deplore and most unqualifiedly condemn, I cannot wonder at the recent unfortunate and bloody occurrence at Harper's Ferry. But while we may not wonder at, we must condemn it. It was an act of war—of war against brethren, and in that a greater crime than the invaders of Cuba and Nicaragua were guilty of; relieved to some extent of its guilt, in the minds of many, by the fact that the blow was struck for freedom, and not for slavery. Still it was a wrong, and as such the deliberate public sentiment of the north, as well as of the south, condemns it. In my opinion, much misapprehension exists on this subject among our southern brethren, and this misapprehension renders proper the present allusion to it. The mass of them relying upon the statements of the leading men of the south, who should know better, and of prominent men in the north, who do

know better, but falsify for a purpose, believe that the sympathy expressed by many of our northern people for the leader of that invasion, covers and contains an approval of his act. This is a great, and it may become a dangerous error. While the great mass of our northern people utterly condemn the act of John Brown, they feel and they express admiration and sympathy for the disinterestedness of purpose by which they believe he was governed, and for the unflinching courage and calm cheerfulness with which he met the consequences of his failure. Many, very many, of our northern people, felt deep sympathy for the gallant Crittenden, who died so bravely in Cuba, for an act they strongly condemned; and the tears of many of the best and bravest of our revolutionary sires bedewed the grave of Andre, who, by their own judgment, died the death of a spy, his sentence approved by Washington. When passion has passed away, and calm reason has resumed its place in the minds of our southern brethren, they will fully appreciate our feelings, and then, if I do not mistake them, while with us they condemn yet pity John Brown as a misguided but not base minded man, they will also with us detest and scorn those men in our midst who now seek by distorting our language and falsifying our sentiments, to use the passions and prejudices of our southern brethren as a means to pave their own base way to power and place.

I cannot concur in the opinion expressed by some persons, that the constituted authorities of the States of this Union have discharged their entire duty, when they have looked to and cared for their own internal affairs, and that they travel out of their legitimate sphere when they in any manner con-

cern themselves with the affairs of our General Government. The several States, as such, are the constituents of one branch of the National Congress, and if it be true that the constituent may and should concern himself with what is done by his representative, it must be true that each State may and should concern herself with the actions of that General Government of which her representatives are a part; if it be true that the States of our Confederacy are interested in the administration and preservation of that compact but for which they would be wholly independent and rival, perhaps hostile sovereignties, instead of one great and united nation, it must be true that they may and should concern themselves with the manner in which those to whose hands that administration and preservation are committed, discharge their trust.

The passage by Congress of the measure commonly known as the Homestead Bill, would, in my opinion, be productive of much good, preventing in a great degree the acquisition, by speculators, of large bodies of the public lands, to the injury of the actual settlers, and by enabling many honest and industrious poor men who cannot now do so, to enroll themselves in the class of independent farmers who are the support and strength of our country. The government price of a quarter section of land may appear to many a small and insignificant sum, but the many thousands of the farmers of the west who have opened farms either "in the woods" or "on the prairies," can more justly appreciate the great benefits derivable from that small amount in their work of toil and privation. I respectfully recommend that you memorialize Congress for the passage of such a law.

The building of a Railroad to the Pacific Ocean, is a measure which, in my opinion, is demanded by the best interests in our whole county. In case of war with any of the great maritime powers, the States on the Pacific would be peculiarly open to attack, and our Government could afford them the necessary aid for their defence, only at great risk and enormous expense. Troops could not be sent to their assistance through our own country, except by the overland route, which experience has shown to be, for an army, almost impracticable; while if sent by any other route, they might be compelled to fight their way to the States they are sent to defend. It seems to me to be a bad policy that would compel us to depend upon other nations for a right of way to our own possessions and our own homes, when we can have such way within our own limits.

A great central trunk route, with branches at either end to accommodate all parts of our country, both upon the Atlantic and Pacific, would meet our wants and commend itself to the sound sense and calm judgment of our people. I also recommend that you memorialize Congress in favor of that measure.

There is one aspect of the vexed and exciting question of slavery to which I wish to direct your attention, as one upon which perhaps our whole country can harmonize. Recent events in Virginia have drawn the attention of our southern brethren to the danger surrounding them, by reason of the great number of free colored persons among them in contact with their slaves, and the excitement of the moment has caused some of their State Legislatures seriously to entertain the terrible proposition to compel this unfortunate peo-

ple either to become involuntary exiles from the land of their birth, or to become slaves. The repugnance, the prejudice, if you will, of the people of the free States, especially of the northwestern States, against allowing any large influx of these unfortunates among them, is well known, and must be heeded by those who make laws for those States. The dangers and difficulties attendant upon the presence of free colored persons in a slave-holding community, prevent emancipation by many who would otherwise gladly set free their slaves, and have in some States caused the passage of laws prohibiting or greatly hindering emancipation. Indeed, these dangers and difficulties are to-day the great hindrance to the abolition of slavery in and by the slave States, and the apprehended danger that in case the southern States should abolish slavery, the free States would at once be overrun by the ignorant slaves just manumitted, is skillfully used by partizan politicians among us, to reconcile the northern mind to the extension of slavery in other directions. Moved by these considerations, I deem it my duty to recommend to your careful and favorable consideration, a plan for the colonization of the free colored population of our country in Central or South America, under the protection of our General Government, brought forward in the Congress of the United States, by a distinguished member of that body from the State of Missouri, with the view that if the measure shall meet your approbation, you may memorialize Congress in its favor. The substance of this plan, as subsequently presented in the U. S. Senate, by one of the Senators from Wisconsin, is, that our Government shall by treaty with some of the Central or South American Gov-

ernments, acquire "the rights and privileges of settlement and of citizenship for the benefit of such persons of color of African descent, as may voluntarily desire to emigrate from the United States, and form themselves into a colony or colonies under the laws of the State or States to which they may emigrate; the United States, in consideration of the commercial advantages of free trade with such colony or colonies, making and securing the necessary and proper engagements to maintain them in the enjoyment of the rights and privileges acquired by such treaty or treaties." The colonization of this unfortunate race in some country peculiarly adapted by climate and production to their use and occupation, has long been a favorite scheme with a large portion of the people in all sections of our country, and until time and experience had shown the operations of the Society which proposed to colonize them in their native country to be, by reason of the expense, impracticable as a means for relieving our country of the vast numbers of these people among us, that Society received, as it justly deserved, a great degree of public favor. That the operations of that Society have produced, and will produce great good to Africa, I have no doubt, and I shall rejoice to see its ability for usefulness largely extended. But experience has shown it to be wholly inefficient as a means of removing from among us this large and rapidly increasing population. Colonization in Central or South America by means of the proximity of the proposed colonies, would be much less expensive, and therefore more effective; and if the General Government, supported by the several States, should take the matter in hand with earnestness and zeal, it seems to me

that we might congratulate ourselves upon having done a work which would not only be productive of great good to ourselves, but also enable us to commence the payment of that vast and accumulated debt we owe this wronged and unfortunate race, and which would, perhaps, enable us to see the beginning of that most desirable end, when our land shall be in truth "the land of the free," as it has been and is "the home of the brave."

In conclusion, permit me to say that, although our political horizon is not unclouded, although anger and jealousy have to some extent taken the place of brotherly kindness and good will among our people, although some men occupying high position under our Federal and in some of our State Governments, influenced by pride and passion, utter sentiments disloyal to our Union; and others in like high position, but governed by baser motives, either openly or silently approve these sentiments; still, in my opinion, those who love our Constitution and our Union, have not very great cause for alarm. Passion will subside, reason will resume its sway, and then our southern brethren will discover that they have been deceived and misled, as to our feelings and purposes; that the people of the north, while hoping and praying for the day when no slave shall press our soil, yet do neither claim nor desire any power to interfere with slavery in any of the States where it exists; and that the good old ways wherein we walked, when to talk of disunion openly, or to approve it silently, was to incur the scorn due a traitor, are ways of pleasantness, and that the good old paths our fathers taught us to tread, are paths of peace. And they will join with us in believing that the

men who achieved our independence and framed our Constitution, were as true patriots, and understood the Constitution as well as the statesmen of the present day—will unite with us in following their teachings and walking in their footsteps, and in discarding these new measures, and this new policy, which have produced no fruits but those of discord and bitterness; and will again pledge themselves as we to-day pledge ourselves in the full depth and force of its meaning to the sentiment of the true and stern old patriot of the Hermitage—"The Union—it must and shall be preserved."

SAMUEL J. KIRKWOOD.

A PROTEST AGAINST GOVERNOR KIRKWOOD'S FIRST INAUGURAL

See Journal of the Senate, p. 169

We, the undersigned, members of the Senate of the State of Iowa, regarding the resolutions of this body, authorizing the printing of 7500 copies of the Inaugural Message of Gov. Kirkwood, injurious both to the public and individuals, and firmly impressed with a conviction that a portion of the said message is calculated to impair the harmonious relations which exist between the citizens of the several States, do, under the right secured to us, by Art. 3, section 10, of the Constitution *earnestly* but *respectfully* PROTEST against the said resolution, and the passage thereof, for the following reasons, viz:

First—We PROTEST against the resolution calling for the publication of this message, for the reason that a great portion of the message relates to the Harper's Ferry invasion, by John Brown, and details at length the private opinions of the Governor as to the causes thereof, which we believe to be a direct departure from the plain duty of the Executive, as prescribed by the Constitution, which

defines that duty in this respect to be—"to communicate to the General Assembly, at every regular session, *the condition of the State, and recommend such measures as he shall deem expedient.*" The obvious intent of this provision is, that the suggestions and recommendations of the Executive shall be restricted and confined to the internal affairs and "condition of the State"—to those matters, and those matters alone, which the General Assembly can regulate or remedy by legislation. The conduct of John Brown, and the individual opinion of the Governor, as to the causes which prompted that conduct, can have no possible connection with the duties of the General Assembly. The omission of the Governor to suggest or recommend any action by that body, in respect to that part of his message, assures us that he regarded it as not within the range of State legislation. We therefore, most respectfully insist that we can only view the discussion of these topics in his message as an attempt to circulate among the people a political speech, *at the expense of the State*, under the cover of a Public Document; an object unworthy of his dignified and responsible position, and an example which no consideration of political policy can justify.

Second—We protest against the resolution, for the further reason that we are constrained to regard the message to which it relates, as a palliation of the course pursued by Brown, and as an attempt to extenuate and excuse his conduct. He expressly declares that, "The mass of our Northern people feel and express admiration and sympathy for the disinterestedness of *purpose* by which they believe he was governed." While it may be true that this sympathy is cherished by the Governor, and a fraction of his party, we have the strongest assurance that it finds no response in the feelings and sentiments of the large body of conservative and patriotic men of all parties, both North and South, who deeply regret and bitterly condemn alike the furious madness of Northern Abolitionists and the unreasonable and disloyal fanaticism of Southern fire-eaters. We cannot believe that the "mass of our Northern people," entertain the slighest "admiration and sympathy" for that "purpose" which

Brown himself declared to be "to free the negroes of the Southern States by *force*, and put arms into their hands to protect them against their masters;" or, when properly interpreted, to incite internal war and insurrection among a servile population, and bring on a crisis in the "irrepressible conflict" by treason and murder. We cannot believe that any such "admiration and sympathy for the disinterestedness of purpose" of a man who, at the dead hour of night, with his myrmidons, had called from their slumbers defenceless and unsuspecting citizens, and murdered them, can never exist among the "mass of our Northern people." And we do sincerely believe that the same *lawless* "*purpose*" which prompted his incursions upon the property of the citizens of Missouri, dictated his foray into Virginia; and the "mass of our Northern people" do not hesitate to condemn the spirit which inspired the one, no less than they censure and reprobate the purpose which instigated the other.

Third—We protest, for the further reason, that a portion of the message, instead of being devoted to the "condition of the State," as required by the Constitution, arraigns an Ex-President of the United States, and the members of Congress who supported the Kansas Nebraska Bill, as being "faithless to the pledges they had given," and "little less criminal in men in their position, than would have been the expectation and desire by them that the struggle should be, as it was, a hostile and bloody one;" and that, too, when it is well known that the people of this Union, in the election of the present Executive of the nation, endorsed and approved that measure, now urged by our State Executive as the cause of the civil war in Kansas, the insurrection in Virginia, and the treason and bloodshed of John Brown.

Fourth—We protest, for the further reason, that this message declares, that "it was insisted in substance, by our Southern brethren and either openly or tacitly approved of by many in the North, that if our people should find upon our borders a weak and helpless nation, who could be attacked with comparative safety, and whose form of government did not attain to our standard of perfection, it was not

only the privilege but the mission of such of our people as desired to engage in the laudable undertaking, to invade her territory with fire and sword, and to bring upon her peaceful inhabitants, men, women and children, all the horrors of war;" which declaration we sincerely believe to be an unjust charge against our Southern brethren, and conservative men of the North, without foundation, and such a declaration as does not become the high and responsible position of our executive.

Fifth—We protest, for the further reason that the message accuses the prominent men of the North, "who do know better," (as it alleges,) of "falsifying for a purpose," when they interpret "admiration and sympathy for the disinterestedness of purpose" of old John Brown, (as the Governor expresses it,) as excusing his acts.

Sixth—We protest, for the further reason, that the dissemination of the sentiments contained in said message, tends to kindle anew that blind fanaticism, North and South, which has already shaken the foundations of the Union, and threatens to blast the brightest hopes of every true friend of American Liberty.

As a duty we owe to our fellow citizens and ourselves, we enter this, our SOLEMN PROTEST against the resolution referred to, upon the Journals of the Senate.

JOHN F. DUNCOMBE,	D. HAMMOND,
HARVEY W. ENGLISH,	L. L. AINSWORTH,
H. H. WILLIAMS,	J. MANN,
CYRUS BUSSEY,	W. F. COOLBAUGH,
GEO. F. GREEN,	DAVID S. WILSON,
JAMES E. NEAL,	A. O. PATTERSON,
W. E. TAYLOR,	W. H. M. PUSEY,
NATHAN UDELL,	V. BUECHEL,
J. A. JOHNSON,	G. S. BAILEY,
G. W. GRAY,	G. W. TRUMBULL.

[This same protest was entered upon the Journal of the House of Representatives (p. 184), having been signed by the following members of the said House:]

J. W. LeLacheur,	Hercules Campbell,
H. Dunlavey,	Marvin Hotchkiss,
Thos. L. Jones,	M. B. Bennett,
D. M. Harris,	Patrick Robb,
M. W. Robinson,	F. A. Stevens,
G. P. Ellis,	Thos. W. Claggett,
C. Paulk,	N. G. Hedges,
Sam'l Rees,	Cornelius Beal,
R. F. Conner,	J. S. Doggett,
H. Bracewell,	N. B. Baker,
C. J. Price,	Justus Clark,
J. E. Williamson,	S. R. Peet,
J. C. Hall,	J. Taylor,
F. A. Gniffke,	John D. Jennings,
John M. Whitaker,	E. S. McCullough,
Wm. H. Reed,	P. B. McCullough,
Sam'l H. Riddle,	R. D. Kellogg.

SPECIAL SESSION MESSAGE

MAY 16, 1861

From the Journal of the House of Representatives, p. 7

Gentlemen of the Senate and House of Representatives:

The Constitution requires that I shall state to you the purpose for which you have been convened in Extraordinary Session.

When a little more than a year ago your regular Session closed, the whole country was in the enjoyment of peace and prosperity. At home, life, liberty, and prosperity, were secure, and abroad, the title of an American Citizen was claimed with pride, and a full assurance that it was a sure guarantee of respect and protection to all who could make good the claim.

To-day Civil War is upon us. A wide spread conspiracy against the General Government which we know has been maturing for years, has been developed, and the whole country is filled with the din of arms. On the one hand and from one section of the country, men who should be loyal citizens, if benefits conferred by a Government should make men loyal to it, are mustering armed bands with the intent to dissolve the Union and destroy our Government; and on the other hand, partially from the same section, and as one man from the other, our loyal people are rallying around our Union and our Government, and pledging for

their maintenance what our Fathers so freely periled to secure them—life, fortune, and honor.

In this contingency, Iowa must not and does not occupy a doubtful position.

For the Union as our Fathers framed it, and for the Government they founded so wisely and so well, the people of Iowa are ready to pledge every fighting man in the State, and every dollar of her money and credit; and I have called you together in Extraordinary Session for the purpose of enabling them to make that pledge formal and effective.

Those who to gratify their mad ambition have brought upon the country this great evil, seek to disguise their true intent; they say they do not desire to destroy our Government, that the Government has become hostile to them, and they only wish to peacefully withdraw themselves from it, which they claim the right to do whenever in their judgment their interest or safety may require such action, and for a time many loyal men, deceived by their professions and not perceiving that "peaceable secession" was destructive alike of the Constitution and Union, were unwilling that any coercive measures should be used to bring them back to a sense of their duty.

How are the facts? Our Government is based on these great central controlling ideas.

The people are the only true source of power. In the exercise of their power they have created our present form of government, retaining in their own hands its management and control; they have honesty enough to desire, and intelligence enough to discern the right, and if at any time they should by reason of excitement or passion, misdirect

the action of Government and do wrong to any portion of themselves, their honesty and their intelligence can be surely relied upon to correct such wrong.

These are the fundamental ideas of our form of government, and when any section of our country or any portion of our people, alleging that wrongs have been done them, declare they can not and will not rely upon the honesty and intelligence of our people to right such wrongs, but will right their wrongs in their own way and by their own hands, they strike a blow, which, if not arrested, will crumble the fabric of our Government into ruins.

Has the Government been hostile to them? At the time this most unnatural rebellion commenced there was not on the Statute books of the United States a single law that had not been dictated or assented to by their Representatives. The recent election, of the result of which they so loudly complain, had placed in the Presidential Chair a person opposed to their policy upon one important question, but had left them in possession of two other independent and co-ordinate branches of the Government, so that it was utterly impossible any injury could result to them from the election of a President who was not their choice.

Under these circumstances without waiting to see what would be the disposition of the newly elected President, without trusting to Congress and the Judiciary yet under their control, without waiting an appeal to the honesty and intelligence of the people to right any wrongs that might be attempted against them, they rebelled against the Government and sought to destroy it by arms. They have seized by force the Forts, Arsenals, Ships and Treasure,

and have set at defiance the laws and officers of the United States. They have sought to set up within the Union another and Independent Government. They have for months past been levying troops, building Forts and gathering Munitions of War, with intent to make war upon our Government, if it should attempt to perform its lawful functions, and after months of preparation have attacked with overwhelming numbers, and captured the troops of the United States, holding a Fortress of the United States, and have so far as in them lies dishonored that proud flag, which throughout the world, is the emblem of the power, the honor and the glory of our Nation.

What in the meantime has been the action of our Government towards these misguided men?

The history of the world can not show equal moderation and forbearance by any Government towards a portion of its people in rebellion against its laws.

For months some of these men were allowed to hold high positions in the Cabinet, and used their official power, only to betray the Government of which they were the sworn and trusted servants.

For months many of them were allowed to retain their seats in both branches of Congress, and used their position to defeat the enactment of wholesome laws necessary for the protection of the Government.

For months many of them were permitted to hold high commands in the Army and Navy, and used their positions to betray and dishonor the flag they had sworn to protect and defend.

For months the Government yielded step by step and had

used only words of kindness and good will. But forbearance, moderation and kindness were regarded only as evidence of weakness, imbecility and cowardice, until at last the crowning outrage of Fort Sumter convinced all men that further forbearance had indeed ceased to be a virtue, and would make those charged with the safety of the Government as criminal as those who were seeking to destroy it. At last the Government has spoken and has called the loyal men of the country to rally to its support, and the answer has been such as to show the world the strength of a Government founded on the love of a free people.

On the 15th day of April last, the President issued his proclamation calling on the loyal States for aid to enforce the laws. On the 25th day of the same month, I received from the Secretary of War a requisition on this State, dated on the 15th, calling for one Regiment of troops. Having been before advised by telegraph that such requisition had been issued, I felt well assured that I would but be carrying out your will and the will of the people of the State in responding to the call as promptly as possible. I therefore did not wait the receipt of the formal requisition, but proceeded at once to take such steps as seemed to me best adapted to speedily effect that object. I was met at the outset by two difficulties. There were not any funds under my control to meet the necessary expenses, nor was there any efficient Military Law under which to operate. Your action only could furnish these aids in a legal way, and yet to await your action would involve great, perhaps dangerous delay.

The first difficulty was obviated by the patriotic action of

the chartered banks and citizens of the State, who promptly placed at my disposal all the money I might need, and I determined although without authority of law to accept their offer, trusting that you would legalize my acts. One difficulty was thus avoided. I trusted, and as the result shows safely to the patriotism of the people for the removal of the other; and on the 17th day of April issued my proclamation calling for the requisite number of troops.

The telegraphic dispatch of the Secretary of War informed me that it would be sufficient if the troops required of this State were in rendezvous at Keokuk by the 20th inst. The prompt and patriotic action of the people enabled me to place them there in uniform on the 8th, twelve days in advance of the time fixed, and they would have been there a week sooner had not the action of the mob at Baltimore cut off all communication with the seat of Government, and left me without any instructions for two weeks. I recommend that you make suitable appropriations to cover expenses thus incurred.

Tenders of troops were made altogether beyond the amount required, and learning from the newspapers and other sources that another requisition would probably be made on this State, I took the responsibility of ordering into quarters in the respective counties where raised, enough companies to form a Second Regiment in anticipation of such requisition, that they might acquire the necessary discipline and drill. The second requisition has not yet reached me, but I am expecting it daily, and am prepared to respond to it promptly when made.

The officers and men composing the first Regiment were

in quarters for some time before being mustered into the service of the United States, and those called out in anticipation of a second requisition will have been in quarters a considerable time before they will be called into service if at all.

It is but just that provision be made for payment of the men who have thus promptly and patriotically stepped forth in defense of the country, for the time lost by them before being actually received by the United States, and I recommend that you make the necessary appropriation for that purpose.

In addition to the two Regiments thus accepted by me, I have already received tenders of Companies enough to make up five Regiments more, and have been strongly urged by them and by many other good citizens, to accept the whole and place them in quarters at the expense of the State.

In view of the fact that all I had done was without authority of law, and the further fact that you the law making power of the State were so soon to assemble, I did not feel justified in so doing; but have recommended in all cases, that all such companies should, if possible, keep up their organization, and should devote as much of their time as possible to the drill without interfering materially with their ordinary business, thus keeping in reserve a large, organized, and partially drilled force to meet emergencies.

In several localities, patriotic citizens have at their own expense furnished subsistence for Companies thus organized and not accepted, and they have been in quarters drilling daily. Whether any of the expenses thus incurred shall be paid by the State, or whether any compensation shall be

made to the men for the time thus spent in quarters is peculiarly within your province to determine.

In addition to the passage of laws legalizing what has thus far been done, and providing for expenses thus far incurred; it will be your duty carefully to examine what further the State should do to meet present necessities and future contingencies.

In my judgment there are two objects which in your deliberations you should keep steadily in view, and which I recommend to your serious consideration—the protection of our State against invasion and the prompt supply to the General Government of any further aid it may require.

Our State is supposed by many to be exposed to attack on two sides—our Southern and Western borders, on the South by reckless men from Missouri; on the West by Indians.

Missouri is unfortunately strongly infected with the heresy of Secession which is hurrying so many of the Southern States to ruin. What may be the ultimate result in that State we do not know. Should she unfortunately attempt to dissolve her connection with the Union, serious trouble may and probably will spring up along our Southern border. Even in that event I can hardly anticipate an armed invasion by regular Military forces from that State.

Surrounded as she is by Kansas, Illinois and Iowa, such invasion by her would be sheer madness, and it seems to me we are guarded against such danger, if not by her calm judgment and her neighborly good will, at least by her instinct of self preservation. But lawless, reckless men within her limits may take advantage of the unsettled condition of public affairs, to organize a system of border war-

fare for the purpose of plunder; and it is your duty to properly guard against this danger.

The known facts that the troops have been wholly or in part withdrawn from the Forts in the Territories west of us, and the restraint of their presence thus removed from the Indian tribes on our border, that the Indians have received, probably, highly colored statements in regard to the War now upon us; and that since the massacre at Spirit Lake in our State some years since, which went wholly unpunished, they have shown an aggressive disposition, coupled with the probability that they may be tampered with by bad men, render it in my judgment, a matter of imperative necessity that proper measures be taken to guard against danger from that quarter.

I have already done what I could with the limited means at my command to furnish arms on both borders.

Two modes for the protection of the State and furnishing further aid if needed to the General Government suggest themselves to me.

One is mustering into the service of the State, arming, equipping and placing in camp to acquire discipline and drill a number of regiments of Volunteers. The advantages of this are that we would have at hand a disciplined force ready to meet any emergency, State or National. The disadvantages are its great expense and its inefficiency by reason of the great extent of our border, to protect our frontier against the lawless bands to which we are exposed.

The other plan is to organize along the Southern and Western frontier, arm and equip but not muster into active service a sufficient force of minute men, who may be called

upon at any moment to meet any emergency that may arise at any point. This will be the more effective plan for home protection, but will not place the State in position to render such effective aid to the General Government. Which, if either of these plans, or whether a combination of both, or whether something wholly distinct from either shall be adopted, I leave for your wisdom to decide.

It will be necessary that you enact a military law authorizing among other things the formation of a Military Staff under which I can have the assistance and advice of such officers as compose it in raising, arming, equipping and supporting such further troops as you may direct to be raised for the use of the State or as may be required by the United States. It will also be necessary to use the credit of the State to raise means to meet the extraordinary expenses incurred and to be incurred. You have the power to do this under that provision of the constitution which authorizes without a vote of the people the contracting of a debt "to repel invasion," "or to defend the State in war."

In most or all of the counties in which companies of volunteers have thus far been accepted, the Boards of Supervisors or public spirited citizens have raised means for the support of the families of volunteers who have left families dependent on them for support.

This action is eminently praiseworthy and yet its operatian is partial and unequal. It is scarcely to be presumed that companies will be received from all the counties of the State, or equally from those counties from which they may be received, and it seems to me much more equitable and just that this expense be borne by the State, and the burden thus equally distributed among our people.

The procuring of a liberal supply of arms for the use of the State is a matter that I earnestly recommend to your early and serious consideration. The last few weeks have taught us a lesson which I trust we may never forget, that peace is the proper time in which to prepare for war.

I feel assured the State can readily raise the means necessary to place her in a position consistent alike with her honor and her safety. Her territory of great extent and unsurpassed fertility, inviting and constantly receiving a desirable emigration, her population of near three quarters of a million of intelligent, industrious, energetic and liberty-loving people, her rapid past and prospective growth, her present financial condition, having a debt of only about one quarter of a million of dollars unite to make her bonds among the most desirable investments that our country affords.

The people of Iowa, your constituents and mine, remembering that money is the sinews of war, will consider alike criminal a mistaken parsimony which stops short of doing whatever is necessary for the honor and safety of the State, and a wild extravagance which would unnecessarily squander the public treasure.

Our revenue law is in my judgment defective in some particulars, requiring perhaps some unnecessary expense, and not being sufficiently stringent to compel the prompt payment of taxes. At all times and more especially at a time like this every good citizen should cheerfully contribute his share of the public burden and those who are not disposed to do so should feel the force of stringent laws, ensuring the performance of that duty. A failure to pay

taxes promptly compels the State to use her warrants instead of cash to carry on the operations of the government, and adds to the expense of the State not only the increased prices she is compelled to pay for articles purchased for her use over and above the price at which she could buy for cash, but also the interest upon the warrants issued until the same are paid. I earnestly recommend a careful examination and a full use of your constitutional powers to punish the men if any there be in our State, who may feel disposed to furnish aid in any way to those who are or may be in rebellion against the United States or engaged in acts of hostility to this State.

The great haste in which amidst the pressure of other duties I have been compelled to prepare this message renders it very probable that I may have overlooked some subjects that you may deem of importance in the present emergency. When convened in extra session your powers of legislation have the same scope and limit as at your regular sessions and I feel confident your wisdom and foresight will supply all such omissions.

Permit me in conclusion to express the hope that what you do may be done promptly, calmly and thoroughly. Let us take no counsel from passion, give no way to excitement. Let us look our situation boldly and squarely in the face, and address ourselves to, and do our duty like men who believe that while we hold to our Fathers' faith and tread in our Fathers' steps, the God of our Fathers will stand by us in the time of our trial, as He stood by them in the time of theirs.

SAMUEL J. KIRKWOOD.

FIRST BIENNIAL MESSAGE

JANUARY 15, 1862

From the Journal of the House of Representatives, p. 11

Gentlemen of the Senate and House of Representatives:

You have had conferred upon you, and you have accepted the duty of caring for, guarding and promoting the interest of the State. This duty, at all times responsible, is at present, much more than ordinarily so, for the reason that the nation of which we are a part, is engaged in civil war, most wantonly and wickedly thrust upon us by bad and designing men. I doubt not you will address yourselves to the discharge of this duty calmly and earnestly, seeking wisdom and strength from Him who is King of Kings and Lord of Lords.

The Constitution requires that I shall communicate to you the condition of the State, and recommend such matters as I may deem expedient, and I now proceed to the performance of that duty.

REVENUE AND TAXATION.

The expenditures of the last two years for all State purposes have been about $300,000 for each year. This includes both ordinary and extraordinary expenditures—the amounts expended for the Insane Asylum, the Penitentiary, the Blind Asylum at Vinton, the printing of the Revised Statutes and other extraordinary objects, as well as the

amounts expended in carrying on the ordinary operations of the State Government. The expenditure has not in any case been permitted to exceed the appropriation, and is materially less both for the penitentiary and insane asylum, and has in all cases that have come under my observation, been carefully and economically made. In my judgment, there is not another State in the Union in which the protection of Government is extended to as large a population, so widely scattered, more economically than in our own. But while this is true, it is equally true that our finances are not in a healthy condition. The Report of the Auditor of State discloses the somewhat startling fact that of the State tax for 1860 and preceding years, there was, at the date of his Report (the 4th day of November, 1861) delinquent and unpaid the large sum of about $400,000—a sum more than sufficient to cover the entire expenses of our State Government for one year. This large delinquency has occurred mainly within the last four years, and the same Report shows there were at the same date warrants drawn on the Treasury to the amount of $103,645, which were unpaid for want of funds, most of which were drawing interest at the rate of eight per cent. per annum.

From these facts the following conclusions are inevitable: 1st, That during the last four years there has been levied a State tax larger by about $300,000 than the necessities of the State required. 2d, That this was rendered necessary by the fact that only a portion of our people paid the tax due the State. 3d, That the State has been compelled yearly to pay large sums by way of interest on warrants, which need not have been paid had the taxes been collected

promptly, and the Treasury kept supplied with funds to meet all demands upon it. 4th, That the State being compelled to purchase its supplies with warrants has had to pay higher prices than if it had had the cash to pay. 5th, That the tax-paying portion of our people have thus been compelled to pay not only their proper share of the public burthens, but also the share of those who did not pay their taxes, increased by interest and high prices. These things should not be so. They reflect discredit not only on those of our citizens who seek to avoid their just share of those burdens which are imposed upon all for the benefit of all, but also upon the laws which permit them to do so with impunity. I, therefore, very earnestly recommend to your attention a careful examination of our revenue laws for the purpose of ascertaining if they can be made more effective in enforcing the prompt payment of taxes.

The leading features of a good revenue law, in my judgment, are: 1st, The imposition of such penalty for the non-payment of taxes when due, as will make it unmistakably the interest of every tax-payer to pay promptly. 2d, The assurance to the purchaser of property at a tax sale, of a valid title at the expiration of a fixed time. There is, in my opinion, much misapprehension in the minds of many persons on this subject. Some seem to think they receive no value for the money paid by them as taxes, and that they are, therefore, not culpable in avoiding payment if they can. Others, whilst they admit there is some kind of doubtful obligation upon them to pay their taxes, if convenient, yet insist that any stringency in the laws to compel payment would be unjust and oppressive, and that no

greater penalty should be imposed for non-payment than the interest allowed by law between citizens. These are radical errors. Every citizen is protected by the State, in life, liberty, and property, in all he has, and all he may acquire; and in all his honest efforts for further acquisition; and in return, he is bound as a good citizen, to render obedience to the laws; to pay promptly his share of the taxes necessary for the support of government; and, in time of war, if need be, to defend the government with his life. If he fails to perform either of these duties of a good citizen, he is liable to punishment, and the amount added to his taxes for failure of payment at the time fixed by law, is not the interest due upon a debt, but a fine or penalty for the non-performance of a duty. Nor can any one justly complain of this. Why should any one of our people claim that he should enjoy all the benefits of civil government and be exempt from its burthens; that he should have all these advantages at the expense of his neighbors?

It may be said that some are unable to pay their taxes. This, it seems to me is erroneous. The amount of tax each one has to pay is in proportion to the property he has, the greater the tax the greater the amount of property from which to raise means of payment. I am well convinced that taxes are paid most promptly by our farmers, and by men of comparatively small means, and that there are very few of us who do not spend yearly for articles of luxury which do not promote either our health, our prosperity, or our happiness, more than the sum required from us as taxes for the support of the government that protects us. The subject of revenue and taxation assumes a graver interest and im-

portance at this time, for the reason that our State is called upon, for the first time since its admission, to pay a direct tax for the support of the General Government. We may expect to be called on to pay, during the present year, a Federal tax of from $600,000 to $700,000. This is rendered necessary by the heavy expenditures incurred by the General Government in preparing to put down the Rebellion in certain States of the Union. A resort to loans has been, and must continue to be, necessary to meet these expenses, and prudence and sound economy require that the General Government shall not be compelled to borrow money to pay the interest accruing upon its loans. The interest upon loans made, and to be made, must be met by actual payment, and not by incurring further indebtedness. The capitalists of the country have, thus far, responded nobly to the calls made upon them by the Government, and have given it assistance and support as necessary as that rendered by the soldiers in the field. Six hundred thousand gallant men, 20,000 of whom are from our own State, are in arms, giving their labor, their health, and their lives, for the country; and now the call comes to us who are at home, and we are asked to give a little of our substance to the same good cause.

I have caused to be prepared from documents in the office of the Auditor of State a table, hereto appended, giving some interesting information touching the taxes paid by our people. It will perhaps be a matter of surprise to many that the taxes for the support of the State Government bear so small a proportion to the entire amount of taxes paid. It appears from this table that the whole amount of taxes

for all purposes for 1861, was $1,700,000, and that of this amount only $300,000 was expended from the State Treasury for State purposes, while $1,400,000 was expended from the several County Treasurers, for County and other purposes. I regard this table as useful, for this, among other reasons, viz: that the people have been led to believe that the great bulk of our taxes was caused by the expendi tures of the State Government under appropriations made by the General Assembly, and they have been taught to look to a reduction of State expenses as the means of relief from taxation. This table shows clearly and conclusively that of every $5.66 paid by the people of the State as taxes, but one dollar reaches the State Treasury, or is used for State purposes, while the other $4.66 are retained in the counties and used for county and other purposes. I would not desire our people to relax their vigilant supervision of State expenses, but I am of opinion this information may lead them to give as vigilant supervision to the expenditures of their respective Counties, where equal vigilance is, in my judgment, equally needed. It is evident from an inspection of the table, showing the amount of taxes paid and the purposes for which paid, that if it be deemed desirable to decrease our present expenditures by an amount equal or approximating to the amount of taxes required by the General Government, much the greater amount of such reduction must be made in the taxes levied for other than State purposes.

In some particulars the expenses of the State may be materially less for the next than for the last two years. The appropriation of $19,500, for the Revised Statutes, was

temporary and will not be again required. The amount appropriated for past indebtedness of the Penitentiary, $38,500, has nearly paid that indebtedness, and but a nominal sum will be needed for that purpose. The amount appropriated for the general support of the prison has been so well managed that the amount thereof unexpended is deemed by the Warden sufficient for the next two years, so that the amount of $35,000, appropriated at the last regular session for that purpose need not be renewed in whole or in part. Of the amount of $75,000 appropriated at the last session for finishing and furnishing the Centre and East wing of the Insane Asylum, about $18,000 remain unexpended, which balance, with $20,000 now asked for, is deemed sufficient to complete the whole building. So that the appropriation needed for construction account in that institution may be $55,000 less than at the last session. The Blind Asylum at Vinton is now under cover, and not liable to injury from the weather, and if you should deem it advisable not to make any appropriation for its present completion, $10,000 may be deducted from the amount of the appropriation of the present session as compared with that of the last. There has been paid during the last two years to Agricultural Societies, the sum of about $18,000. If you think it advisable to withhold any appropriation for this purpose for the next two years, this sum may be saved. The foregoing sums, amounting in the aggregate to $176,000, are the expenditures for the objects named for two years, and if withheld will be a saving of $88,000 per annum from the amount of State taxes. This amount, I doubt not, may be increased by a careful examination of our State

expenditures and strict economy to $100,000, and if a proportionate reduction of county and township expenses can be made, the entire amount of the tax required by the General Government can be raised without increasing our present taxation. I commend the matter to your most earnest and careful examination.

In order to make the revenue of the State more certain, I recommend that the County Treasurers be required by law to pay the State Treasurer, at fixed times, certain proportions of the amount of revenue due to the State, until the entire sum for each year is paid, whether the County Treasurers have received the entire amount of State tax or not. At present the State is wholly helpless as to its revenue. It has to depend wholly upon the officers of Counties for its collection and transmission, and if the county officers are inefficient, the State is remediless. Each county is now liable by law to the State for the amount of State tax assessed in it, but this liability, without any means of making it practicably effective, is useless. If the Counties were required to pay the revenue due the State, whether collected or not, the County Supervisors would be stimulated to require of the Treasurer a strict performance of his duties; and if, in addition, you should so change the present law as to give County Treasurers, in lieu of salary, a per centum on the amount of money collected and disbursed, or provide for township collectors to be paid in the same way, our taxes would, in my opinion, be more punctually paid.

I also recommend that it be made the duty of the Board of Supervisors of each County to employ a competent accountant once in each year to examine the accounts of

each County officer, and state an account between each officer and his County, and between officer and officer, and also that County Treasurers and all other persons who receive public moneys be prohibited, under severe penalties, from using them in any way, or placing them with others to be used for their private benefit.

The law of Congress imposing a direct tax for the support of the General Government gives to any State the privilege of collecting the amount of tax assessed upon its people, and allows such State to retain fifteen per cent. of the amount, on condition the State shall assume the payment of the balance of the tax. Thereupon arises the important question: What shall the State do in the premises? It must be remembered that if the State assumes the tax, the entire amount, less fifteen per cent., must be paid by the State, whether the State collects the tax or not. Keeping this in recollection, let us ascertain as near as may be our precise position. This State has expended for the General Government about $450,000, and has been repaid the sum of $80,000. The State has sold her bonds to the amount of about $200,000. The proceeds of said sale, $184,000, and the $80,000, received from the General Government, have been applied to paying the expenses incurred by the State, leaving unpaid and due wholly, I believe, to our own people, about $186,000, for which they hold or can receive warrants drawn on the War and Defense Fund. If the amount expended by the State, which is to be reimbursed by the General Government, be $450,000, there is now due the State $370,000, and if the Federal tax should be $650,000, and the State should assume it, there would be due the

General Government the sum of $182,500, being the entire amount of the tax, less the amount now due the State, and the fifteen per cent. for assumption and collection, which must be assessed upon and paid by our people.

But we must provide also for the payment of the amount due our own citizens. This must be done by assessing the amount as a tax, and by either actually collecting the money and paying it to the holders of the Warrants, or by authorizing those holding warrants to surrender them to the Auditor, and receive in lieu of them other warrants of the amount of five dollars each, which shall be receivable in payment of the Federal tax. These warrants being of small amounts, and being all receivable during the present year for taxes, would be nearly or quite at par, and would be much more valuable to the holders than the present ones. Should this course be deemed advisable, it will be necessary in order to meet the demand made upon us by the Federal Government, to levy a tax of about $368,500, of which $182,500 must be collected in money, and $186,000 may be paid in the warrants outstanding against the War and Defense Fund. Our State debt will have been increased by $200,000, and we will not have any money in our Treasury wherewith to meet further military expenses, should they be necessary. It will be observed that the sums given are generally estimated. Absolute precision could not in some cases be arrived at, but it will be found the estimates approximate very nearly the truth. If this should not be deemed advisable, we can present our claim against the General Government, receive the amount due the State, pay the outstanding warrants in the hands of our people, and either collect in

money the Federal Tax and pay it to the General Government, retaining the 15 per cent. for so doing, or allow the General Government to collect the whole without interference on our part. In view of the actual condition of our affairs and the want of promptitude with which our taxes are paid, I am inclined to favor the plan first recommended. If I had assurance that our taxes would be paid as they should be, I would much prefer the second.

Intimately connected with the subject of taxation and revenue, is the question as to the kind of money which shall be received for taxes. Under our present laws, specie only is receivable for public dues. In view of the recent suspension of specie payments by the General Government and the Banks of the Eastern States, it becomes a question of great importance whether we can collect our revenue in coin. I do not believe we can, and I urgently recommend to you such change in our law as will allow the payment of taxes with United States Treasury notes and the notes of the State Bank of Iowa. It is true the United States Treasury notes are not payable in specie, but it is the interest of all loyal States and of all loyal citizens to keep them at par, and the receipt of them for taxes by the loyal States would tend much to that end. The State Bank of Iowa is required by the law creating it, at all times, to redeem its circulation in coin, and I believe it expects and is fully prepared to meet that requisition. If, as it seems to me, we must and should receive for revenue the United States Treasury notes not redeemable in specie, I cannot see the wisdom or justice of refusing to receive the notes of our own Banks, that are so redeemable, especially when by so doing, we make the pay-

ment of taxes more easy to our people and more certain to the State, and at the same time aid to some extent in keeping in circulation among us a currency, which has, and in my judgment, deserves the confidence of the people.

MILITARY AFFAIRS.

The report of the Adjutant General, herewith submitted, shows the number and description of troops raised in this State for United States service, to be Sixteen Regiments of Infantry, Four of Cavalry, Three Batteries of Artillery, and one Independent Company of Cavalry for frontier service. Of these the Fifteenth and Sixteenth Regiments of Infantry are not fully organized. In addition, Col. Koch and Col. Rankin are engaged in raising Regiments of Infantry, which if completed, will make the Seventeenth and Eighteenth Regiments of that arm of the service.

It is a matter of gratification to me that our State has thus promptly responded to the demands made upon it by the United States for aid in this perilous crisis of our country's history, and it is also a matter of great pride to me that the troops of our State, whether tried in the exhausting service of the camp, the march, or in the fiery ordeal of the battle-field, have never been found wanting, but have by their cheerful endurance of unaccustomed hardship and their indomitable valor, won for themselves and our State a name which may well cause us to feel an honest pride in claiming in any part of our broad land, that our homes are in Iowa.

At the Extra Session of 1861, what was supposed ample provision was made, to furnish the necessary funds for raising, clothing and equipping the Volunteers that might be

required from this State, by authorizing the issue and sale of our State bonds. Immediately after the close of that session, the necessary steps were taken to put our bonds in market, but before they could be offered in New York, the faith and credit of our State were most wantonly and unjustly attacked by certain papers in that city, so that when, under the law, the bonds were offered for sale, it was found entirely impossible to effect sales at the prices fixed by the Board of Commissioners appointed for that purpose, or which would not have been ruinous to the State. No sales were therefore made in New York, and an appeal was made to our own people to take the bonds and furnish the means necessary to meet the large expenses consequent upon raising the troops called for from this State. The Report of the Loan Agents herewith submitted will show you the amount of bonds sold by them in the State, and the amount of money received therefor. It will be seen that much the larger proportion of the bonds was taken by persons to whom the State was indebted, and that but a small share was sold for cash. The result was that the officers charged with the duty of raising troops as required by the General Government, were much embarrassed for want of means, being compelled to operate wholly upon credit, consequently to great disadvantage. Whatever could be furnished by our people was promptly furnished on the credit of the State, but without means it was impossible to procure arms, clothing, and such other articles as our own people did not produce. After providing clothing for the 1st, 2nd and 3rd Regiments, I found it utterly impossible to provide for those subsequently raised, and although it was a matter of

much mortification to me, to be compelled to allow our troops to leave our State un-uniformed and un-armed, yet I am induced to believe the result has been as well for the troops and for the Government. The troops who left our State without uniform, left at a season of the year when but little clothing was needed for comfort, and they were provided with uniforms in Missouri as speedily and more cheaply than I could have provided for them. The Regiments which have left the State more recently, have been furnished with good clothing by the General Government before leaving. I have not purchased for the State the arms contemplated by the law passed at the Extra Session, for the reason that arms could be had only for money, and I had not the money wherewith to pay. Some arms have been furnished by the General Government, but not sufficient for the security of the State, and I recommend the subject to your careful consideration.

On several occasions during the past season, when the Rebels had or appeared likely to get, control in Northern Missouri, much uneasiness existed along our Southern border lest they should attempt an invasion of our State, which, for want of arms, our people were not properly prepared to resist. Immediately after the close of the Extra Session of the General Assembly, I appointed Col. John Edwards and Col. Cyrus Bussey my Aids, with large discretionary powers, to act for the preservation of tranquillity in the Southern border counties. I was well satisfied the peace of our State would be more easily preserved by preventing invasion than by repelling it, and therefore while I could not order our State troops beyond our State line, I in-

structed Colonels Edwards and Bussey, and through them the troops under their command, that if at any time the loyal men of Northern Missouri were in peril and called upon them for assistance, they had as full authority as I could give them to lead their men into Missouri to the aid of the loyal men there, and my promise upon their return that my power should be used to the utmost extent to protect them, if called in question for so doing. Under these circumstances, and in some cases at the instance of officers of the United States, Colonels Edwards and Bussey and Col. Morledge of Page county, at different times led bodies of Iowa troops into Missouri and kept them in service there until their presence was no longer needed, and I am well assured their services were highly valuable, not only in preserving the peace of our border and protecting our own people, but in supporting and strengthening the Union men of Missouri. The expenses incurred in these expeditions are, in my judgment, properly chargeable to the General Government, and I am now seeking their reimbursement.

Great uneasiness also existed on our Western and Northern border lest the Indians in Dacotah and Minnesota might be led by designing men to take advantage of the troubled state of public affairs, and commit depredations on our people in that region. The great distance of that part of the State from the place where my other duties compel me to keep my headquarters, and the want of the means of speedy communication therewith, either by railroad or telegraph, rendered it in my judgment absolutely necessary that I should confer on suitable persons the power to act for me promptly in case of emergency, as fully as if I were present

to act in person. I accordingly conferred such authority on Hon. Caleb Baldwin, of Council Bluffs, and Hon. A. W. Hubbard, of Sioux City. Under this authority bodies of mounted men were called into service at different times for short periods, and I am happy to be able to state the tranquillity of that portion of our State has been preserved.

I cannot permit this occasion to pass without thanking Messrs. Edwards, Bussey, Morledge, Baldwin and Hubbard, for their efficient and valuable services.

At my request the Secretary of War authorized the enlistment of a company of Cavalry in the service of the United States, specially for the protection of the northwestern border. This company has been recruited and mustered in, and I hope will be sufficient for the protection of that portion of our State.

Our troops in Missouri have suffered greatly from sickness. To some extent this is perhaps attributable to the want of care and prudence among the men themselves, to a change in their mode of life, to their eating badly cooked food, and to the fatigue and exposure of hard labor and severe marches, and to a much greater extent to the want of proper hospitals, proper comforts for the sick, proper nurses, and sufficient medical aid. Doubtless experience in camp life will convince our troops of the necessity of guarding their health, adapt them to their new circumstances and will make them better cooks; and I ardently hope the time will soon come when those who have the power so to do, will provide that the labor which has prostrated so many of them, shall be done by the slaves of those who have forced this war upon the country. Proper hospitals are now pro-

vided, and the women of our State, following their womanly instinct to care for the suffering, have been and are engaged in making and forwarding to our troops those delicacies and comforts not provided by the regulations, but so necessary and cheering to the sick. I am decidedly of the opinion that female nurses in our hospitals would render invaluable service; and I earnestly recommend that provision be made for securing such service for the benefit of our sick and wounded soldiers.

I am well convinced that the medical staff (a Surgeon and Assistant Surgeon,) now allowed by law to each Regiment, is insufficient, and I have been corresponding with the proper authorities for the purpose of effecting a change in the law. I recommend that power be given the Governor to appoint an additional Assistant Surgeon for each of our Regiments in service, to be paid by the State in case Congress shall not by law make the necessary provision.

The law passed at the Extra Session for the organization of the Militia, is in many respects defective, and has been in my judgment a hindrance instead of an aid in raising troops for the service of the United States. If the organization of the Militia is to be provided for by State law, a more full and perfect system must be devised. But the Congress of the United States has power "to provide for organizing, arming and disciplining the Militia, * * * reserving to the States respectively the appointment of officers, and the authority of training the Militia according to the discipline prescribed by Congress." It is probable that Congress will at the present session, in view of the necessities of the country, provide a complete system of

military organization for all the States, to the extent of the power thus conferred. It may be well to await such action until near the close of your session, and conform your action to such provision, if made.

SCHOOL AND UNIVERSITY FUNDS.

The School and University funds require your careful and earnest attention. A large portion of both these funds has been lent to individuals in different parts of the State. Most of the loans were made before the monetary crisis of 1857, and the securities taken for their repayment were, in many cases, insufficient originally, and have become much less valuable since, by reason of the general depreciation of the value of real estate; many of the borrowers have ceased to pay the interest as it falls due, and the results are a rapidly increasing debt with a greatly diminished security, and an increased taxation upon our people to supply the deficiency in the school fund caused by the non-payment of interest. More than this: under our Constitution, all losses to the Permanent School and University Fund which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, become a permanent debt against the State. Large losses to both these funds have already occurred, and the amount is steadily increasing, for want of proper attention and proper laws. The responsibility for these losses rests with the law-making power of the State, and the responsibility for all further losses must rest there, until by the enactment of proper laws, that responsibility is placed elsewhere. I recommend that provision be made requiring the

prompt closing up of all loans which are insufficiently secured, or on which the interest has not been paid within a reasonable time, unless the borrowers shall entitle themselves to further time by giving further securities, or payment of the interest due. I also recommend that where loans are now sufficiently secured and the interest paid, an extension of time be given the borrowers, if desired, under proper limitations; that no new loans be made; and that sums of the principal of either of said funds that may be paid, shall either be paid into the State Treasury and used as other State funds, the State paying the interest thereon, or invested for the support of the proper fund either in the stocks of the United States or of this State.

The State University is now in successful operation, although much embarrassed for want of means arising from the non-payment of interest due on loans of its permanent fund. The enactment of laws requiring the more prompt payment of interest, and for the safety and better investment of the permanent fund as above suggested, will enable the Trustees and Faculty to extend the usefulness of the Institution. I am decidedly of opinion that not only the interest of the institution, but also the interest of the State requires that you should provide a Military Department of the University, and should establish a Military Professorship therein. The sad experience of the last few months, has shown us the necessity of military knowledge among our people. By giving to the young men who may attend the University, military instruction and training, we will not only greatly benefit them, but will also have made provision for what our present experience shows may, at any

moment, become a necessity to our people. The Board of Education, at their recent session, directed the Trustees of the University to make provision for a Military Department therein as soon as the General Assembly should make the necessary appropriations therefor, and I earnestly recommend the subject to your favorable consideration.

THE PENITENTIARY.

The affairs of the Penitentiary have been well conducted during the last two years. Its present faithful and efficient officers, although laboring under many difficulties, have, by their careful and skillful management, maintained excellent discipline; preserved, in remarkable degree, the health of the convicts, and have so economized its expenses, that of the sum appropriated at the last Regular Session for the general support of the Prison, there remains unexpended, an amount so large that, in the opinion of the Warden, no appropriation for that purpose will be needed at the present Session. These officers, however, as well as those in charge of the Insane Asylum, the Asylums for the Deaf and Dumb, and the Blind, and all others, who have been charged with the duty of procuring for the State either labor, materials or merchandize of any kind, for ordinary State purposes, have been continually embarrassed for the want of money, and have been compelled to carry on their operations, and make their purchases at great disadvantage, with warrants on the Treasury. Of course, they have been compelled to pay higher prices in warrants than they would have had to pay in cash. As soon as these warrants are delivered, they are presented at the treasury, and endorsed

unpaid for want of funds, and from that time draw eight per cent. interest, so that the excess of price and interest are so much clear loss to the State that might be saved if our taxes were promptly paid. Neither States nor individuals can manage their affairs in this manner without serious present embarrassment and great ultimate loss, and, in my judgment, it is clearly your duty, as guardians of the public welfare, to see to it that this state of affairs shall not continue. The reports of the officers of the Penitentiary show the sums, which in their opinion, should be appropriated by you, and the objects for which they are needed. Whilst I am satisfied that all these objects are legitimate, and that the accomplishment of them would add much to the safety and completeness of the Prison, I cannot, in the present condition of our finances, recommend appropriations for all. The completion of the third tier of cells, additional accommodations for the hospital, additional shop-room, and a new cistern, are perhaps indispensable, and should be provided for.

The suit pending for some years, between the Warden and the contractors, for the labor of the convicts, has been decided, and in my judgment, very unfavorable to the State. In view of this decision, it will be necessary that considerable additions be made to the present shop-room in the prison yard, unless it be determined to feed and clothe the convicts at the expense of the State, and furnish their labor and shop-room for them gratuitously. I recommend that a Special Committee be sent to examine what further shops may be needed, and what steps can be taken to protect the interests of the State in this particular. The

present contract for convict labor will expire on the 1st day of June, 1864. In order to have fair competition for the re-letting of that labor at the expiration of the present contract, provision therefor should be made at the present Session, and if possible, such provision should be made by law as will prevent, under a new contract, the heavy losses the State has sustained under the present one.

CHARITABLE INSTITUTIONS.

The reports of the proper officers of the Deaf and Dumb and Blind Asylums are herewith submitted. These institutions appeal so strongly to our better feelings, and the necessities of those for whose benefit they are intended, are so peculiar, and so urgent that I cannot withhold my recommendation that the usual appropriations be made for their support. The appropriation made at the last regular session for the new building for the Blind at Vinton, has been expended in the manner required by law. The building is now enclosed, and is not, as I understand, liable to injury by exposure to the weather, and I submit whether it is not advisable, in our present financial condition, to withhold the appropriation necessary to complete it until the next session of the General Assembly. The failure to make this appropriation will not prevent the proper care and instruction of the pupils, in the meantime, as they can be well provided for in the building now occupied by them. You will learn, by the Reports of the officers of the Insane Asylum, that that Institution, so long and so much needed, has been, for some months, in successful operation. The appropriation made at the last regular session, for finishing

and furnishing the centre and east wing of the building has proved to be more than sufficient for that purpose, and there is a considerable balance unexpended. The number of patients now in the institution, is nearly or quite sufficient to fill all the finished portion of the building, and much inconvenience arises from the fact that patients of both sexes are confined in the same wing. This fact, with the additional one that before the next session a large portion of the now unfinished part of the building will, in all probability, be needed for the reception of patients, induces me to recommend, as I earnestly do, that an appropriation be now made, which with the unexpended balance of the last appropriation, will be sufficient to finish and furnish the west wing. Every one who has witnessed the misery and degredation, and knows the hopelessness of the cure of those poor unfortunates when confined in the cells of our county jails, and has also witnessed their comparative happiness and comfort, and knows the prospect for their restoration in the Asylum, will insist that the most terrible diseases shall no longer be treated as a crime, and that the State shall do her duty by providing and caring for these, the most helpless and most unfortunate of her people. An abundant and unfailing supply of water is absolutely essential to the successful operation of an institution of this kind. A reliance for such supply upon cisterns and common wells would be uncertain and unsafe, and as these were the only resources heretofore provided, the Trustees and Commissioners, in order to remove the difficulty, have undertaken the digging of an Artesian well. The details of the work for this purpose thus far, will be found in the reports, and

I recommend that a sufficient appropriation be made to complete it or to show its impracticability. I also recommend that the law requiring the several counties of the State to pay for the support of their own pauper insane, be so changed as to require such payment to be made in advance. In this way only will such payment be prompt and reliable, and the State be relieved practically from the burthen of supporting the Institution. I cannot perceive the necessity for the two Boards of Trustees and Commissioners. Either of the Boards can easily perform, in addition to its present duties, the duties of the other Board, and by the consolidation possible conflicts of authority would be avoided, as well as considerable expense.

RECLAMATION OF FUGITIVES FROM JUSTICE.

The law in regard to the reclamation of fugitives from justice is indefinite as to the amount of fees to be paid to agents of this State, who bring back such fugitives, and as to whether it is the duty of the Census Board to pay such expenses in all cases. It is desirable that the uncertainty on these points should be removed.

AGRICULTURE.

Agriculture is, and for many years must continue, to be the leading interest in our State; and any fair and legitimate aid that can be given thereto will tend to promote the public good. With this object the State has for some years paid considerable sums yearly to aid the Agricultural Societies of the State and counties. Whether the benefits that have resulted from this expenditure will justify its continuance

during our present difficulties and embarrassments, you must decide. This great interest of our State may in my judgment be aided by legislation in a new direction. Hitherto our great staples for export have been wheat, corn, cattle and hogs. The prices paid for the transportation of these articles to New York, form a large portion of their value at that point. Indeed, wheat and corn will not bear transportation to that market during the season when the navigation of the lakes is closed. Experience has, I think, conclusively shown that our State is admirably adapted to sheep-grazing, and the value of wool in proportion to its bulk and weight, is much greater, and the price of its transportation to New York in proportion to its value, much less than that of our present staples.

A great drawback upon the growing of wool is that large numbers of sheep are annually killed by dogs. I therefore recommend that a tax be levied on all dogs in the State, and that the proceeds of the tax be applied to paying to owners of sheep killed by dogs, the value of the sheep thus killed. I would go further than this—I would exempt from taxation for a period of five years all sheep not exceeding fifty, owned by any resident of the State, and would also exempt from taxation for the same time all capital invested in the State in the manufacture of woolen goods.

I am well satisfied that the cultivation of flax can be successfully and profitably introduced in our State. It is valuable not only for the seed, but for the lint which under a new process, is converted into what is called flax cotton. I am well assured that before the commencement of the rebellion, a remunerative price could be paid in our State for

the flax straw, which has heretofore been an entire loss to the farmer, the fibre separated from the wood, and the tow transported to Boston and manufactured into Flax Cotton, which could fairly compete in price and usefulness with the cotton of the Southern States. In order to stimulate our people to examine the question carefully, and if possible, introduce among us a new and profitable branch of industry, I recommend that all capital invested in the manufacture of linseed oil or the conversion of flax straw into flax cotton, be exempted from taxation for five years.

If our industry were more diversified, we would suffer less from fluctuations of prices of particular articles, and if as necessity requires and opportunity offers, we become manufacturers as well as producers, we will increase our wealth and independence.

The Report of the Secretary of the Agricultural College shows the action of the Board of Trustees since your last session. I would gladly recommend liberal appropriations for the erection of the necessary College and other buildings, if the condition of our finances would allow, but I cannot now do so. The farm and buildings are in such condition that a failure to make appropriations will not necessarily work any injury to them. The only unfavorable result will be delay, and to that we must submit until our national difficulties are removed. I heartily approve of the policy adopted by the Trustees of reserving the lands donated by the State and by individuals, and the bonds of Story county to endow the institution, trusting to the liberality of the State and of individuals in more prosperous times for the erection of the necessary buildings.

LAND GRANT.

The Report of the Register of the State Land Office shows the condition of the various grants of land made by the Congress of the United States to this State.

Very serious and embarrassing questions have arisen from the conflicting interests and claims of some of the Land Grant Railroad Companies and the Des Moines Navigation and Railroad Company. There has been much vacillation, and conflict of opinion and action among the heads of the Department of the Interior in regard to the extent of the Des Moines River Land Grant. That Grant has been held by one Secretary to extend only to the forks of the River at Des Moines City; by another to extend to the sources of the River in Minnesota, and by another to extend only to the north boundary of our State. One or more of the Secretaries certified to the State as part of this Grant large bodies of land lying above the forks of the River within the limits of the State, and the State subsequently sold and conveyed many of these lands to individuals. Afterwards the State contracted with the Des Moines Navigation and Railroad Company to prosecute the work of improving the Des Moines River, agreeing to convey to said Company the title of the State to portions of the lands so certified to the State for that purpose, as rapidly as the work progressed. Under this arrangement the title of the State to many of these lands was conveyed to the Des Moines Navigation and Railroad Company. Subsequently by settlement with the Des Moines Navigation and Railroad Company the State conveyed to said Company the title of the State to the remainder of the lands which had been certified to the State by the

Secretary of the Interior, and at the same time conveyed to the Keokuk, Ft. Des Moines & Minnesota Railroad Company its title to all the lands of said grant which had not been certified to the State by the Secretary of the Interior, except fifty thousand acres reserved for certain purposes. The Des Moines Navigation & Rail Road Company have conveyed to individuals large bodies of the lands thus conveyed to them. The lines of three of the Land Grant Railroads, (the Dubuque & Sioux City, the Cedar Rapids & Missouri, and the Mississippi & Missouri,) cross the Des Moines River above its forks, and hence arises a conflict between these companies, and the companies and their grantees, and the grantees of the State who hold portions of those lands as part of the original Des Moines River Grant. These Railroad Companies claim that the Des Moines River Grant never really extended above the forks of the River at Des Moines, and that consequently all conveyances made by the State of lands above that point, as Des Moines River Grant Lands are invalid, and that by virtue of the Railroad Land Grant they acquired a title to all such lands lying within the limits of their respective grants.

The State having only conveyed what title it had to these lands may not be legally liable to make good any loss that may result to others from a failure of that title, but certainly is morally bound, at the least, to do what may be reasonably and fairly done to protect the rights and interests of those threatened with such loss. When the State granted to the Railroad Companies the lands granted to the State by Congress for Railroad purposes, it was not contemplated by the parties, certainly it was not contemplated by the State,

that it was granting to these Companies lands previously conveyed by the State to others, and if since the making of these grants the Companies who are to receive the benefit of them have discovered that by strict legal construction they are entitled to more than was contemplated, either by themselves or by the State, and are disposed to enforce strictly these legal rights, to the injury of innocent purchasers from the State; the State may, and I think should, hold these Companies in all things to a strict compliance with the terms of the grants made to them. If these companies are now in default, and ask the indulgence and clemency of the State, it seems to me the State may very properly, before extending such indulgence and clemency, enquire and know what indulgence and clemency these Companies will extend to the unfortunate holders of these lands, and make for the one with the other such terms and conditions as may be equitable and just to all.

In selecting the lands for the five hundred thousand acre grant, so called, by some mistake the agents of the State selected and the officers of the General Government certified to the State several thousand acres more than were covered by the terms of the grant. This mistake being discovered, application was made to my immediate predecessor by the Commissioner of the United States General Land Office to reconvey to the United States this excess of land. Upon examination it was found that part of the land had been already sold and conveyed by the State, so that all could not be reconveyed. Under these circumstances it was agreed between Governor Lowe and the Commissioner of the General Land Office, that the unsold portion of this ex-

cess of land should be reconveyed, and that the United States should retain of the five per cent. fund coming to this State enough to pay for such of said lands as could not be reconveyed by reason of their sale at the rate of one dollar and twenty-five cents per acre. Unfortunately, at the time this agreement was made, the then unsold portion of the lands was not withdrawn from market, and since then still other portions have been sold. Governor Lowe, by letter, relinquished the title of the State in these lands, but quite recently the Commissioner of the General Land Office has applied to me for a formal deed of conveyance. I at once caused the remaining unsold portion of the lands to be withdrawn from market, and would at once have reconveyed them, but have serious doubt whether the Executive can without your authority divest the State of title to land which has been once vested in the State, whether by mistake or otherwise.

I recommend that authority be conferred to settle and adjust this matter on the terms proposed by Governor Lowe, and also to reconvey to the United States any portion of said excess of lands yet remaining unsold.

The swamp land grant is being slowly adjusted with the General Land Office at Washington City. By the terms of the law making this grant, this State will be entitled to receive from the United States in lieu of swamp lands that had been entered with land warrants, land scrip entitling the State to locate a "quantity of like amount upon any of the public lands subject to entry at one dollar and a quarter per acre or less."

The Commissioner of the United States General Land

Office has so construed this law as to require the State to select the lands to which it may be entitled thereunder, from the lands of the United States, subject to entry, at one dollar and a quarter an acre, lying within this State. The law will not, in my opinion, bear this construction, and I am endeavoring to have it set aside, so as to allow the selection of the lands to which the State may be entitled to be made in this State or in any other State or Territory where public lands may be found subject to entry, at one dollar and a quarter per acre.

It will be necessary that an agent or agents be appointed to make these selections, and you should make some provision for such appointment. The lands thus to be selected will, by the laws of this State, belong to the Counties within which the lands in lieu of which they may be selected were originally located. The United States, however, recognize only the State as the recipient of the grant, and will probably recognize only the agent or agents of the State in making these selections, but as the benefits of the selections enure to the Counties, it would be just and proper that the Counties should bear or refund to the State the expense of the agency.

I have thus endeavored to place before you the condition of the State, so far, as in my judgment, your action is needed for its improvement. Your wisdom will doubtless discover some, perhaps many, particulars in which legislation will be necessary, that have been overlooked by me.

The year which has just closed, has brought to our people a new experience, new trials, new responsibilities, and new duties. Let us continue to meet them as we have thus far

met them, with neither an overweening confidence in, and reliance upon, our own strength, nor an unmanly and craven fear for ourselves, or of the hardships we may endure before we win by deserving success, but with patience, calmness, unflinching courage, and an abiding faith in God.

SAMUEL J. KIRKWOOD.

SECOND INAUGURAL

JANUARY 15, 1862

From the Journal of the House of Representatives, p. 40

Gentlemen of the Senate and House of Representatives:

As this is the first time in the history of our State that the same person has been twice elected to the office, the duties which I have for the second time just assumed, and as the transmission to you of a message in writing, communicating the condition of the State and recommending such matters as seemed to me expedient, was among the last of the official acts of my first term of service, it was for some time a question with me whether it was proper for me in commencing my second term to conform to the custom heretofore acted on by incoming Governors of delivering an Inaugural Address. Upon reflection, I did not feel at liberty to disregard what is a well established, and what is considered a useful custom.

When two years ago, I first assumed the duties of my present office, I saw, and in my Inaugural Address alluded to, the bitter and exasperated feelings existing in certain portions of our country, which have since resulted in the present Rebellion, and pointed out what seemed to me to be some of the exciting causes of that feeling. The people of our country were then about entering upon one of those political contests by which the policy of our General Government is for a time determined—and I expressed the

belief that this angry and excited feeling would not result in an appeal to arms, but that a people taught as ours have been to yield almost instinctively to the fairly expressed will of the majority, would, when the feeling ingendered by its contest had passed away, again permit the calm dictates of reason to resume their sway, and that we would again become a contented and happy nation. Time has shown that my belief was erroneous, and yet it seems to me it was a reasonable and just belief. All men know well that the Government against which Rebellion would be made, if raised at all, was the Government which made the least exactions and conferred the most benefits upon its people of any Government in the world. All men knew well and none better than those now in Rebellion that the Administration whose accession to power their opponents declared they would consider cause for revolt, could not, during their term of office, even if so disposed, inflict upon the defeated party any wrong. And it seemed then, and seems yet to me to be a reasonable and just belief that no portion of a people, so intelligent as ours has claimed to be, could revolt against a Government which had conferred upon them only benefits, and against an Administration powerless to injure them. All men know, too, that Rebellion must bring upon those engaged in it terrible calamities, if not sure destruction, and it did seem reasonable and just to believe that sane men would not bring upon themselves such results without cause.

Yet there were other things bearing upon this question which we did not know. We did not know—even although we were so told by some far-sighted men; it seemed too

monstrous for our honest and loyal-hearted people to believe; that men whom they had delighted to honor, men upon whom they had conferred the high places—even the highest place of honor, and profit, and trust under our Government—could, whilst yet holding these places and pledged in the sight of God and before men faithfully to discharge their trust, and with professions of love and attachment to our Government yet warm upon their lips, deliberately conspire to overthrow and destroy that Government which they were so strongly bound to protect and defend. I repeat it, our honest and loyal-hearted people could not believe these things to be true; they were to them too monstrously infamous for their belief. They had not yet learned the bitter lesson that honesty, truth, good faith and loyalty, were but mere words used by these men as a cover under which to deal, as they hoped, a fatal stab to that Government from which they had derived all they ever had of honor or importance. Had this not been so (and although its truth has produced such terrible results, I thank God our people could not then believe it possible,) I am well convinced we would to-day have no Rebellion. Had the occupant of the Presidential chair for the year preceding the 4th day of March, 1861, and his advisers, been true men, and had they done their duty as such, and stricken Rebellion one honest, downright blow when first it reared its hateful head, we would have to-day a peaceful and united nation. But this, unfortunately, was not so. Treason and imbecility sat in our high places, and surrendered one after another the outposts of the citadel of our strength into the hands of Rebels, until emboldened by success, they believed

the citadel itself to be within their grasp. In this way the Rebellion was encouraged and strengthened, and thousands of men were induced to array themselves upon its side from the conviction that the Government was powerless to protect its friends or punish its enemies.

At last, but too late, came a change of Administration. Our Government asserted its rights, and gave evidence of its will and power to maintain them, and then came the civil war that is now upon us.

I need not undertake to point out to you the primary cause which has led to this disastrous issue. Although there may have been many minor causes, all tending to the same end, such as the disappointed ambition of bad men, and the lust for power, the clear common sense of our people has seen and accepted the fact that the one great controlling cause of this wicked rebellion, and of all the fearful consequences which have followed and must follow from it, is the system of Human Slavery. Sophistry can not disguise this fact, nor argument illustrate it. It is patent, tangible, and sooner or later it must be accepted by our rulers as well as by our people, and acted on by all. This baneful system, which has wrought such terrible results, was accepted with great reluctance by our fathers as an existing but most unfortunate fact, and its existence recognized and protected by them as such; but surrounded at the same time by influences such, as they confidently hoped, would soon eventuate in its total and peaceful extinction. That hope has been sadly disappointed. The system, so reluctantly admitted into our form of Government, and so antagonistic to its vital principles, has, like a foreign sub-

stance in the human body, been to the body politic a source of constant irritation, and has been the real cause of all the heart-burnings and ill-will among our people. Circumstances, not foreseen at the beginning, have fostered and encouraged it. It has been defended, protected, and nourished by its votaries with a devotion almost unparalleled, until it has acquired a strength and power which enabled it, at first by stealthy approaches, and then by bold attack, to seize the reins of Government, and control the policy of our people. And when peacefully and constitutionally it was driven from its usurped seat of empire, and the determination expressed that for the future it should be kept in the subordination for which it was originally intended, it revolted and by civil war has sought to destroy the Republic it could no longer control, and from the remains to build a new one in which its empire should be absolute and undisputed.

I have said that our people have seen and accepted these facts, and that the time must come, sooner or later, when our rulers too, must see them, and when all, rulers and ruled, must act upon them. It is not for us to determine what that action shall be. That is the right and duty of others. But it is for us—it is our right and duty—to advise with those others, and to point out to them the course which, in our best judgments, should be pursued. Understand me rightly. I freely accept and have cordially acted upon the theory that it is for our rulers to determine the policy to be pursued, and for us to sustain them, even if that policy should not meet our approbation. But it does not follow that we must not advise a change of policy, if

our judgment teaches, or experience has shown such change to be necessary.

What, then, if anything, have we to advise? Let us see where we stand, and what are our surroundings. More than twelve months ago this war upon our Government was begun, and it has been prosecuted up to this moment on the one side with fierce vindictiveness, and terrible earnestness. Nothing, literally nothing, has been allowed to stand in the way of the advancement of the cause for which this war has been waged, by those who advocate that cause. Officers of the Army and Navy, to advance that cause have deserted their flag. Statesmen, to advance it have betrayed their trusts. Among all ranks, acts of fraud, words of falsehood and deeds of violence have been held good and honorable service, if thereby this cause might be advanced, and the entire energies of its advocates have been directed to that single end. The sole question they have asked has been: "What thing can we do which will most effectually and speedily break the strength of our adversaries?" And when that question has been answered, they have as one man done that thing. How have they been met? Until the 4th day of March last past, not only were no steps taken to arrest their progress, but many of those who now are not of and with them, insisted that coercion should not be used to arrest it. After that date, although the new Administration took prompt and vigorous steps to meet the crisis, many people in the loyal States still protested against coercive measures to suppress Rebellion, and many others sought, as if expecting to find, some neutral ground on which to stand, some middle ground between loyalty and

treason, as if a citizen could be loyal to his Government who did not lend his hand to defend it when rebels sought to destroy it. But time passed on until Sumter fell, and our nation awoke from what had appeared to be the slumber of death. With fiery zeal and generous emulation, the young men of all classes and all parties in the loyal States rallied around the Government, until to-day we have under our banner the best army the world has ever seen; ready and eager to meet in battle all enemies who seek the destruction of the Union. And yet it seems to me that we do not bring to this conflict the same directness, the same unity of purpose and action our adversaries do. It seems to me we do not ask ourselves what one thing can we do that will most effectually and speedily break the strength of our enemies? and when that question is answered, do that thing. It seems to me the idea still pervades and controls the minds of many of us that our duty requires of us not only the preservation and protection of the Union, but the preservation and protection of Slavery; that we have sometimes feared to strike an earnest blow against Rebellion, lest that blow should fall on the head of Slavery; that we regard Slavery as an essential part of the Union itself, and that the Union would not be worth preserving, unless Slavery could be preserved with and remain part of it.

If these things be so, we are yet far from the path that will lead to success. Slavery, the leading cause of this Rebellion, is an element of strength or of weakness to the rebels, just as we will it shall be. If we say to the slaves of rebels, we are your enemies, they will remain with their masters and be to them a strength and support. If we say

to them, we are your friends, come to us and you shall be free, they will seek to come by thousands, and the armies now standing in battle array against our soldiers will be needed at home to restrain them. Take the case of South Carolina. Our soldiers are to-day upon her soil. She has a population of about 700,000 souls, more than one-half of whom are slaves. Experience, the best of teachers, has shown that these slaves want freedom, that they look upon our soldiers as friends, and would, if encouraged, so to do, flock to our camps by thousands. As the slaves of rebel masters, their labor in the field and in the camp, furnishes the rebel troops with food, and does for them much of that severe camp labor which exhausts the energies of the soldiers and brings sickness upon them. Thus rebellion is strengthened by Slavery. Shall we continue to leave it this strength? Shall we do more than this? Shall we continue to drive back to their rebel masters these unfortunates, and compel them to be our enemies although they wish to be our friends? Shall we continue to require of our brave soldiers who have gone forth to fight our battles, those exhausting labors that have brought sickness and death to so many of them, when these people stand ready and willing to relieve them if allowed?

It may be said that if we proclaim freedom to slaves of rebel masters, Slavery must suffer and may be extinguished. I reply: So be it. The friends of Slavery have in its supposed interest thrust this war with all its evils upon the country, and upon them and upon it be the consequences. It may be said the slaves of loyal masters will escape, and thus loyal men will suffer loss. This may be, probably,

will be so. But if we shall be successful in preserving our Government, and putting down this rebellion, we can and will make good all losses caused to them by the acts of the Government for its preservation. Besides, it is their misfortune and not our fault that they live in sections of our country in which the war is carried on and in which either a majority of the people are rebels, or the loyal men in the majority have suffered themselves to be prostrated and trampled on by the rebel minority. We regret their condition, we pity their misfortunes, we will make good the losses caused by our acts for the preservation of the Union, but we cannot allow the Union to be stricken down because efforts for its preservation may work them present injury. War necessarily brings suffering and loss to the people among whom it is waged. This war brings suffering and loss to the loyal people of all our States, and we all must bear as well and as patiently as we may, until the end, when it will be our duty to repair, so far as we may, the losses sustained by loyal men because of their devotion to their country.

I will not be misunderstood. This war is waged by our Government for the preservation of the Union, and not for the extinction of Slavery, unless the preservation of the one shall require the extinction of the other. If the war were so prosecuted that on to-morrow the preservation of the Union were effected and secured, I would not now wage the war another day. I would not now spend further treasure or further life to effect the extinction of Slavery, although I might regret that the war of its own producing had left in it enough of life to leave it to be our bane and pest in the

future as it has been in the past. But while this is true, it is also true that if I had the power on to-morrow to end this terrible strife and preserve our Union by the extinction of Slavery, while to preserve both would require a month's, or a week's, or a day's, or an hour's further war; the spending of a single additional dollar or the loss of a single additional life; so surely as the Lord lives, this War would close to-morrow. No wife should mourn her husband, no mother her son, no maiden her lover, slain in a war protracted by me a single hour to preserve to rebels that which caused them to commence and which enables them to maintain rebellion. I would not believe that I had, nor do I believe that others have the right, although they may have the power to protract this war in order to preserve that which has caused the war. My deliberate convictions are that to prosecute this war successfully, we must strike directly at Slavery, and that the time must soon come when every man must determine for himself which he loves most, the Union or Slavery, and must act accordingly.

In the meantime, and at all times, it is our duty to rally around and support the Government. We are not of those whose loyalty is doubtful or conditional. We do not say we will support the Government if it adopts our views and carries out our plans, and if not we will become neutral or join the enemy. We support it with hearts and hands and means, although we may doubt its policy, trusting time will demonstrate the correctness of our views, and bring about their adoption if found correct. The giving of honest counsel and the rendering of faithful service make up the duty of all true men.

The war has brought on us severe trials, and others are yet to come. Many of our best and bravest have died upon the battle field or in the hospital, and many more must die. Our business operations have been interrupted, our markets have been closed, the prices of the products of our industry have been lessened, we have been compelled to wholly forego or materially to curtail the use of some luxuries which, by use, had become to us comforts of life, and these things must continue to be. They are the inevitable attendants of war, and must be borne as they have been borne, bravely, unflinchingly, and cheerfully. Life is valuable, but it is intended to be useful; and how can any one make his life more useful than by giving it for his country? Could our own brave men who died at Wilson's Creek, Blue Mills and Belmont, have used their lives in any other way to better purpose than by losing them on those bloody but glorious battle fields? Their names will live after them, embalmed in the hearts of our children, and our children's children, as the names of men who died for their country, and their example will fire the hearts of generations yet to come to deeds of equal and as noble daring.

We are eminently a peaceful and peace-loving people, and the interruption of our peaceful avocations by War and its incidents bears hardly upon us; but we must remember that the only way to bring back and make permanently secure to us that peace we love so well, is to convince those who have thrust this War upon us and to convince all others that although we love peace much, we love our Country's honor and the perpetuity of our Union more. But do we not exaggerate the evils of our condition? I am well convinced

there is not in the world a people of equal numbers, all of whom enjoy to-day so many of the necessaries and of the comforts of life as are enjoyed by our people. In our own State our cause of complaint is not that we have not enough of the necessaries of life, but that we cannot get high enough prices for what we can spare of our superabundance; not, that we have not food, but that we cannot sell to advantage food we do not need!

But we will have to pay heavy taxes. True, we will, and it is equally true we can. We have to do but one thing and that thing we must do. We must give up the idea of money making to a great extent until this war is over. We must be content to devote to the preservation of the country a portion of all the surplus we have been accustomed to lay up in years gone by. We may be required to return to customs and expedients for many years abandoned. We may be compelled to do as our fathers and mothers did, clothe ourselves as they did with the products of their own farms and their own hands. What then? Our men will be none the less brave, loyal, and loving; our women none the less true-hearted, loving and beloved. We may be required to do and may do all these things and yet suffering and want still be far from us. We may be required to do and may do all these things, and yet will not have done nearly so much as our fathers did to hand down to us the rich inheritance we are now striving to transmit unimpaired to our children. And if required, will we not do it promptly and cheerfully?

There may be amongst us a few men who know no impulse of patriotism, have no love of country, and can see nothing

but sordid gain! There may be amongst us a few others who, blinded by prejudice engendered by former political strife, cannot forget that the Government is guided in this struggle for its life by the hands of political opponents, and who would rather see it perish than have it saved by their hands, who will cry peace when there is no peace, and who will endeavor to turn us from the prosecution of this war by continually dwelling upon and exaggerating the misfortunes it has brought and will bring upon us. But these men are few in number and weak in influence. The great mass of our people see clearly and know well that no peace can be permanent which is made by compromising with armed rebels, and which will leave our present territory divided between jealous and hostile nations by such boundaries as it must be, if not preserved in its integrity.

I cannot close this address without paying a well deserved tribute to the brave men who represent our State in the great army collected to do battle for our country. We may well be proud of them. We here as officers, and all our people as citizens, should feel that there is much for us to do to maintain that high reputation they have won for our State.

Trace the Iowa First on their weary way to Springfield; see them ragged and hungry but cheerful and ready; listen to their marching song as it rolls along the column, lending new vigor to themselves and their tired comrades; hear their fierce shouts and witness their daring deeds on the field where Lyon fought and fell; witness the heroic spirit of devotion and self-sacrifice with which the Iowa Third at Blue Mills, attacked, and the bravery with which they fought the enemy

in overpowering numbers to delay that enemy's retreat until expected reinforcements could arrive. See the Iowa Seventh on the bloody field of Belmont, heading the attack and covering the retreat; witness the cheerful endurance, the untiring energy, the indomitable valor of all our troops whenever and wherever tried, and who does not feel proud that he too is an Iowan? We owe these gallant men much. The rank and file of our Regiments have never been surpassed. I doubt very much if they have ever been equaled. There is not a company in any of our Regiments which does not contain in its ranks men who, in intelligence and moral worth, are the peers of any man who hears me. They have left behind them the comforts and endearments of home, their business, their friends, their all, and have taken their places as privates in the ranks, with nominal pay, and almost without a hope for honor and distinction. This is patriotism, and I repeat it, "to these men we owe much." It is due to them, at least, that all shall be done that our circumstances will allow, to promote their health and comfort, and I doubt not you will see to it that the debt is paid.

When the war commenced, many of us hoped that by this time it would have been completed, or that at least we would be able to see the beginning of that desirable end. But we have been disappointed. The rebellion had greater strength than we had supposed. Obstacles have arisen that we had not anticipated, and the end is not yet. But these things should not discourage, and I am glad to say they have not discouraged us. As the greater strength of the rebellion has been developed we have promptly furnished the greater needed strength to put it down, and if need be

Iowa can yet send forth many Regiments as brave, as loyal, and as true as those that have already gone. As obstacles have arisen they have been met as brave men meet them. They have been trampled upon, and we have passed on. And now, when as it seems to us here that all things are ready, we are waiting patiently, but with beating hearts, for the day when the great battle shall be fought—listening intently, and oh! how anxiously, for the battle shout "God for the right," which will on that day roll over that battle-field from the brave men who will be privileged there to rally around our dear old flag and strike in its defense, and trusting humbly and confidently that because they will strike for the right, the God of Battles will give us the victory.

[Samuel J. Kirkwood]

SPECIAL SESSION MESSAGE

SEPTEMBER 3, 1862

From the Journal of the House of Representatives, p. 4

EXECUTIVE OFFICE, IOWA, September 3d, 1862.

Gentlemen of the Senate and House of Representatives:

You have been convened in extraordinary session to consider some questions vitally affecting the public welfare, which, in my judgment, require your immediate action.

When you closed your last regular session, the belief prevailed very generally that the strength of the rebellion against the General Government had been broken, and your legislation upon some questions of great public interest was controlled by that belief. The lapse of time has shown that belief to be erroneous, and a change of legislation on those questions has therefore become necessary.

The provision made for our sick and wounded soldiers, and for their return to their homes on furlough, will, under existing circumstances, prove wholly inadequate. The largely increased number of our soldiers that will be shortly in the field, and the great length of time they will be exposed to the danger of disease and the casualties of battle, will render absolutely necessary a large increase of the fund provided for their care and comfort. The extraordinary expenses of my office have also been and will probably continue to be largely increased, in consequence of the new demands that have been and may be made upon the State.

I therefore recommend to your favorable consideration such increase of the contingent fund for extraordinary expenses of this office, as will be sufficient to enable me to do for the gallant men who so nobly represent our State in the Army of the Union, when suffering from wounds and disease, that which every loyal heart so anxiously desires should be done, and also to enable me to carry on successfully the many new and arduous labors imposed upon this office, in promptly responding to all the demands made upon the State for the support of the Government.

The labors of the office of the Adjutant General have been largely increased, and must continue to be very great as long as the war lasts and for some time after its close. This State will soon have in the field nearly or quite fifty thousand men, and the interest and welfare of our soldiers and their friends require that the records of that office should be fully and carefully kept. The Adjutant General now discharges in addition to the proper duties of his office, the duties of Quartermaster General and Paymaster General. It is in my judgment impossible for one officer properly to superintend the labor of these three Departments. The amount of labor and attention required is more than one person can give, and the necessary work cannot be so promptly done, or so well done, as if there was a proper division of labor. I recommend that I should be authorized to appoint an Assistant Adjutant General, who shall act as Paymaster General. A Quartermaster General can be appointed under the existing law, and then the duties now imposed upon the Adjutant General can be so divided and arranged, as in my judgment greatly to benefit the public service.

In my judgment the compensation of the Adjutant General is not adequate either to the labor or the responsibility of his position, and I recommend an addition thereto, either by allowing him a contingent fund for his traveling expenses, or by an increase of his salary.

Congress has provided by law an allotment system by which our soldiers can set aside a portion of their monthly pay, and have the same paid at their homes to such persons as they may designate without risk or expense. The benefits of this system are obvious and great. Commissioners have been appointed by the President but under the law, the compensation of these Commissioners must be paid by the State, and as no appropriation has been made for that purpose, our soldiers and their friends have not as yet enjoyed the benefits of the system. One of the Commissioners is now engaged in procuring the allotments of our new regiments before they leave the State, and I earnestly recommend such appropriation as will secure the advantages of this system to all our soldiers.

Since your adjournment Congress has passed a law donating public lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the Mechanic Arts. Under this law this State is entitled to a donation of two hundred and forty thousand (240,000) acres of land. It is a most munificent donation, and for a most worthy purpose. It is of great importance that immediate action be had by you touching this grant. By taking such action the State can secure the entire amount of the lands within her own limits, and consequently control their management and disposition. Should action in this matter be

postponed until the next regular session other States may select their lands within the limits of this State, and manage and dispose of them in a manner very undesirable to us. I recommend the subject to your careful consideration.

The regiments we have sent and are sending to the field contain a very large portion of our population required by law to perform labor on the highways. Only those between the ages of twenty-one and forty-five years are now required to perform such labor. Yet our highways must be kept in repair, and we can only supply the deficiency of labor created by enlistments, by requiring labor from those now exempt. I therefore recommend that the law be so amended that all able bodied male residents of the State between the ages of eighteen and sixty be made liable to perform labor on our highways.

It is of the highest importance that the numerical strength of the regiments from this State be maintained in the field. Many of our old regiments have been much reduced in numbers, and thus the expense of maintaining them, in proportion to their number, is much increased, while their efficiency is much diminished. Our new regiments will go out full, and the old ones will soon be filled, but in a short time their numbers will be again reduced. To remedy this evil I recommend that, with the approval of the proper Federal authorities, a Camp of Instruction be established at some suitable point in this State, sufficient to accommodate one thousand men—that the several counties be required to furnish their equitable proportion of that number of men to place in camp under instruction—that when men are needed to fill the ranks of any of our regiments requisitions be

made for the proper number—which shall be filled as nearly as may be from the men in camp, from the counties in which the companies composing the regiment were organized, and their places in camp immediately be supplied by new men from the same counties. This is entirely just to all the counties—will send the men into companies composed of their neighbors and friends, and will keep up our regiments to their effective strength.

On the 17th day of August last I issued a proclamation urging upon our people the strong necessity of filling up the ranks of our old regiments, and as an inducement to enlistments for that purpose declared my intention of recommending to you the payment of bounties by the State, to all who should enlist for the old regiments, between the date of proclamation and the first day of the present month. I have not yet learned the number of men who have thus enlisted between the dates named, but I recommend to you that an appropriation be made for the purpose of paying to each of them such bounty as you may deem advisable.

The theory of our Government is that the people rule. This theory can be carried into practical effect only through the ballot box. Thereby the people mould and direct the operations of the Government, and settle all questions affecting the public welfare. The right of suffrage is therefore highly prized by all good citizens, and should be exercised by them at all times and especially at times when questions of grave importance are presented for solution. There never has been, perhaps there will never again be a time when questions so important, interests so vital as those now demanding action at the hands of our people, were or will be

submitted to them. The very life of the Nation is at stake, and may be as fatally lost at the ballot box as on the battle field. Under such circumstances it is not only the right but the duty of all good citizens to exercise the right of suffrage, and to see to it that the principles for the preservation of which our people are so freely offering treasure and life, are not jeopardized or lost in the Halls of Legislation, State or National. A very large number of the electors of the State are in the army. We say but little when we say that these men are as good citizens, as intelligent, as patriotic, as devoted to their country, as those who remain at home. Under existing laws these citizens cannot vote, and unless these laws can be changed it may be that the cause they are periling life in the field to maintain, may be lost at home through supineness or treachery. I therefore recommend that the laws be so modified that all members of Iowa regiments who would be entitled to vote if at home on the day of election, be allowed to vote wherever they may be stationed in the United States, and that provision be made for receiving and canvassing their votes.

There are in this State some religious bodies who entertain peculiar views upon the subject of bearing arms, and whose religious opinions conscientiously entertained, preclude their so doing. Their members are generally among our most quiet, orderly, industrious and peaceful citizens, and their sympathies are wholly with the Government in this struggle now going on for its preservation, yet they cannot conscientiously bear arms in its support. It appears to me it would be unjust and wholly useless to force such men into the army as soldiers, and yet it would not be just to the

Government or to other citizens that they should be wholly relieved from the burdens that others have to bear. I suggest, therefore, that these persons who cannot conscientiously render military duty, be exempted therefrom in case of draft, upon the payment of a fixed sum of money to be paid to the State.

Startling rumors have recently reached me of danger to our people on the North-Western Frontier, from hostile Indians. I immediately despatched Schuyler R. Ingham, Esq., of Des Moines City, to the scene of danger, with arms and ammunition, and full authority to act as circumstances might require. I have not yet had a report from him, but will immediately, upon receipt of such report, communicate with you by special message, should the emergency require your attention.

The condition of the country is such as justly to cause anxiety and distrust, but not despondency to the patriot. It is true the rebellion against the Government has assumed a magnitude and shown a strength we did not anticipate, but it is also true the Government has exhibited a degree of power for its suppression that the most sanguine did not dream of. Our rulers and our people at last have realized the extent of the task before them and have girded themselves to the work like men. We have all, rulers and people, at last learned on a page all blotted with tears and blood that in this war conciliation and kindness are more than useless and that the enemy, whose whole social fabric is based upon force, respects only force and can be subdued by force alone. We are learning if we have not yet learned that it is wise to strike the enemy where he is weakest, and

to strike him there continually and with all our power, that God's blessing upon our cause will most surely bring its triumph and that we cannot with confidence claim that blessing until our cause by being made in all things like Him, pure and holy, fully deserves it. If we have fully learned these lessons and shall fairly act upon them, we will soon triumph. If we have not learned them, we will yet do so, and we will then triumph.

SAMUEL J. KIRKWOOD.

SECOND BIENNIAL MESSAGE

JANUARY 12, 1864

From the Journal of the House of Representatives, p. 10

Gentlemen of the Senate, and House of Representatives:

I am happy to be able to congratulate you upon the prosperity of our State. During the last two years our people have enjoyed their usual good health and have secured reasonably good harvests. Labor has been well rewarded, and the products of labor have brought remunerative prices. The educational interests of the State are as prosperous as ever; and peace and good order within our borders, although on one or two occasions somewhat imperiled, have been maintained.

Let us render thanks to God for these blessings vouchsafed us during the existence of a desolating war, that has so scourged a large portion of our land.

FINANCES.

Our State finances have never before been in a more healthy condition. Our entire State debt is only $622,-295.75, consisting of loan from School Fund $122,295.75; loan of 1858 $200,000, and war loan of 1861 $300,000. Of the $800,000 of War Bonds authorized to be sold, $500,000 remain on hand—none have been offered since the $300,000 were sold; and it is believed no further sales will be necessary.

The report of the State Auditor shows that the moneys now in the Treasury, the delinquent taxes, the amount estimated to be due from the United States, and the taxes for 1863 and 1864, are sufficient to pay the estimated expenditures for the next two years, the outstanding Warrants on the Treasury, and our entire State debt, leaving a balance in favor of the Treasury of about $200,000.

Provision should be made for the redemption of the bonds issued in 1858 and 1861–2 as they fall due. I recommend that a sufficient sum be set aside, annually, for this purpose, and invested with its accumulations, in United States or other good stocks. In my judgment, the amount due the School Fund should be permitted to remain as a permanent debt of the State. The State is trustee of this fund and liable for all losses thereto; and there can be no safer mode of investing this amount of the fund, than the present.

The report of the Auditor still shows a large amount of delinquent taxes. So much of this as is due upon real estate will be finally paid; but it is thought, a very considerable portion of the delinquency is due upon personal property, by persons not owning any real estate, much of which will be lost.

Under our revenue law real estate is assessed biennially, and personal property annually. The assessments are made between the 1st of January and the 1st of April; the levy is made in September, and the taxes become delinquent on the 1st of February of the next year. It thus happens that persons may bring into the State, for sale, or may buy within the State, large amounts of personal property, which

are assessed to them for taxation; may keep and use the same, within the State, more than a year, and finally dispose of it before the tax becomes delinquent; and if such persons do not own real estate in the same County in which the personal property was assessed, there are no means of compelling payment of the taxes due. This defect in the law should be remedied in justice to the State, and to the owners of real estate, who already bear their full share of the public burdens.

I renew the following recommendations, made by me to the Ninth General Assembly:

"In order to make the revenue of the State more certain, I recommend that the County Treasurers be required by law to pay the State Treasurer, at fixed times, certain proportions of the amount of revenue due to the State, until the entire sum for each year is paid, whether the County Treasurers have received the entire amount of State tax or not. At present the State is wholly helpless as to its revenue. It has to depend wholly upon the officers of Counties for its collection and transmission, and if the County officers are inefficent, the State is remediless. Each County is now liable by law to the State for the amount of State tax assessed in it, but this liability, without any means of making it effective, is useless. If the counties were required to pay the revenue due the State, whether collected or not, the County Supervisors would be stimulated to require of the Treasurer a strict performance of his duties; and if, in addition, you should so change the present law as to give County Treasurers in lieu of salary, a per centum on the amount of money collected and disbursed, or provide for township col-

lectors, to be paid in the same way, our taxes would, in my opinion, be more punctually paid.

"I also recommend that it be made the duty of the Board of Supervisors of each county to employ a competent accountant, once in each year, to examine the accounts of each county officer, and state an account between each officer and his county, and between officer and officer; and also that County Treasurers, and all other persons who receive public moneys, be prohibited, under severe penalties, from using them in any way, or placing them with others to be used, for their private benefit."

There is due this State, from the United States, for expenses incurred by the State in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion, the estimated amount of $300,000. There is much difficulty in procuring an adjustment of this claim at Washington.

When these moneys were expended by the State, there was no law of Congress, or regulation of the Federal Government prescribing the form in which proof of the expenditures should be taken; and the General Assembly of this State provided, by law, for such proofs and vouchers as were deemed sufficient, both for the protection of the State and the United States. Upon presentation of these proofs and vouchers to the proper Department at Washington, they are found not to comply, in form, with regulations since adopted by that Department; and it is doubtful whether they will be allowed without some legislation by Congress. Some portions of these expenditures, thus made, are also objected to as not coming within the letter of exist-

ing laws of the United States. Among these are the sums paid by the State for the subsistence and pay of the troops that went from this State to Missouri, at the request of United States officers, under command of Colonels Edwards and Morelege.

There is, also an unsettled claim against the United States, for expenditures by the State, for the protection of our people during the two winters following the massacre on our north-western frontier, by Ink-pa-du-tah and his band. The United States are also, in my judgment, justly liable for the amounts expended by this State in protecting our people on the north-western and southern borders since the commencement of the rebellion. I recommend the appointment of an agent of the State to proceed to Washington to press the adjustment of these claims, and to secure, if necessary, additional legislation by Congress for that purpose.

The expenditures of the State on the north-western and Southern borders, are made payable, by law, out of the War and Defense Fund. This fund was found to be insufficient, and, in June last, a large amount of warrants on that fund were outstanding and drawing interest for want of means to pay them. There was, at the same time, a large amount of ordinary revenue in the Treasury not needed for ordinary expenses, and the Auditor and Treasurer, upon consultation with me decided to apply the ordinary revenue to the payment of the War and Defense Fund Warrants, so far as it could be done without interfering with the payment of ordinary revenue warrants as presented. This was done to the amount of about $159,000, and thereby a considerable amount in interest was saved to the State. As some doubt

exists as to the strict legality of this course the matter is laid before you that you may take such action as may be necessary. If the amount due from the United States could be recovered, it would, probably, be sufficient to reimburse the revenue fund, and redeem all outstanding warrants and claims on the War and Defense Fund.

In my judgment all real estate should be carried on the tax books in the name of the true owners; and this result can be effected with very little labor and expense, by requiring the Treasurers to furnish the Assessors with complete lists of the names of all real estate owners, as shown by the last tax book; to correct the names erroneously entered, whenever such error is shown upon the payment of taxes, and by requiring all deeds to be presented to the Treasurer for the transfer of the real estate therein described to the new owner, before the same can be recorded.

I recommend the enactment of a law for receiving the new national currency, and a modification of the present law for receiving the notes of branches of the State Bank, that both may be available in payment of taxes. As the law now stands, the notes of said branches cannot, legally, be received after any one of them shall have suspended specie payment. A change of the law so as to authorize the receipt of these notes, so long as they shall be redeemed in legal tender notes of the United States, would in my judgment, be wise and proper.

I cannot leave this subject without special mention of the Board of Auditing Commissioners. I am well satisfied, that, to their faithful and impartial discharge of their duties, the State is largely indebted for its protection against improper claims, and consequently for its healthy financial condition.

THE SCHOOL AND UNIVERSITY FUNDS.

The situation of these funds demands your earnest attention. You are their guardians and custodians. Upon their management depends to a great degree, the educational interests of the State; and upon the proper education of our youth depends the welfare and safety of our Government.

I cannot approve the system by which these funds are now managed. The principal, received by the State in cash, has been distributed among the counties, to be loaned to individuals by certain county officials; at one time by the School Fund Commissioners, at another by the County Judges, and now by the County Clerk, subject to a limited control by the Board of Supervisors. Would any of you, having a large amount of money to lend, lend it through those agencies? If not, is it right to do so with the public money? Is it not right and proper that you should do, in regard to these funds just what you would were they your private property? The present system is, in my judgment, a bad one, for two reasons. In the first place, it must happen in many cases, that the County Clerk is not fitted, by previous business training, to make safe and judicious investments; especially, he may not have the necessary legal knowledge to enable him to determine, accurately, the sufficiency of the title to real estate offered as security for a loan. In the second place, the money may be used to promote personal or political objects. A corrupt Clerk will use, and an honest but weak one will be sorely tempted to use his power to lend these moneys to secure his own political interest, or that of his party friends. The system, in my opinion, is wrong in theory, and that it is unsafe in

practice is clearly shown by the large amount of insufficiently secured principal and delinquent interest. I therefore earnestly recommend that the lending of any portion of the principal of said funds as heretofore, be prohibited, and the enactment of a law that will require the investment, by the Treasurer of State, of such principal, as the same may be paid in, in stocks of the United States, or of this State.

In this connection I request your special attention to the Report of the Auditor of State on this subject.

SCHOOL AND UNIVERSITY LANDS.

The School Lands consist of the five hundred thousand acres grant, and the Sixteenth Section. Large quantities of these Lands have, from time to time, been sold by county officers, authorized by law to make such sales. These sales have been generally made upon time, the purchaser paying in hand a portion of the purchase money, and taking a contract entitling him to a patent from the State upon the payment of the balance with annual interest. Many of these sales were made at high prices, before the monetary revulsion of 1857, and many of the purchasers have, since that revulsion, failed to pay either principal or interest. Portions of the lands have thus become forfeited to the State for non-payment of the purchase money, and have been resold to other parties. But there is no sufficient provision of law requiring such forfeitures and re-sales to be reported to any State officer, and the result is that it is now impossible to ascertain, from any record at the Capitol, the number of acres or the particular description of the several parcels of the School Lands yet unsold.

This condition of affairs should not be permitted to continue, and I recommend the enactment of such laws as will remove the difficulty.

The Saline Lands and Funds are now "a part of the Permanent Fund" of the State University. I call your attention to that part of the Report of the Register of the State Land Office, which shows the necessity for further legislation in regard to the issuance of Certificates of full payment for the portion of these lands already sold, and recommend that the Treasurer of the University be authorized to issue such certificates, and that the power to sell the unsold portion of the lands be vested in the Trustees.

In many cases School Lands were sold, prior to 1857, at such high prices that, after that date, they were not worth the amount due on them. The purchasers have ceased to pay either principal or interest. I suggest the inquiry, whether it would not be well to provide for the surrender of these lands to the State, the purchaser being relieved from further liability, by forfeiting payments already made, without resort to legal proceedings.

I call your particular attention to the full and able report of the Register of the State Land Office. It contains much valuable information touching the various land grants made to the State, and suggests several points upon which further legislation is needed.

THE 500,000 ACRES GRANT.

As I have elsewhere stated, it is not possible to ascertain, in any office here, the amount or the description of the various parcels of this land yet unsold by the State. The

records of the Register show the amount that has been patented to purchasers, but do not show how much of the balance has been sold or is held under contract of sale, and how much is unsold. This is also true of the Sixteenth Section lands. The Ninth General Assembly provided, by law, for the purchase, for the use of the School Fund, of lands mortgaged by borrowers of that fund, as security, but the law does not provide for the making of a return to the Register, of lands thus purchased and of sales made thereof by the officers authorized to sell. Information on all these points can be had, only, in the various counties. Under these circumstances, it is clearly impossible for the State to exercise over these lands and their proceeds, that vigilant superintendence it should exercise. These lands were granted to the State, in trust, for educational purposes, and good faith to the grantor, as well as the best interest of the State, involved in the education of our youth, require the utmost care and vigilance in the execution of the trust.

I therefore recommend the passage of a law making it obligatory upon the proper county officers to make return to the Register of all the lands of the Sixteenth Section and the 500,000 Acres Grant, sold in their respective counties, the dates of sales, the names of the persons to whom sold, the terms of sale, and the extent to which these terms have been complied with, the forfeitures to the State for non-payment, and the re-sales of the lands thus forfeited, with full particulars, and like full information concerning the lands mortgaged by borrowers of the School Fund, and purchased by the State for the use of the said fund. To secure uniformity, it would be well to require the Register

to furnish forms to the county officers, and to secure the making of the returns, it would also be well to provide for the punishment of any officer failing to make them.

The University Grant Lands are now under the control of the Trustees of the University, and the Saline Lands now belonging to the University, should, I think, be under the same control. I recommend, however, that the Register be required to call for, and the Trustees to furnish information in regard to these lands, similar to that above named in regard to the School Lands, that the Register may have, in his office, full and particular evidence of their situation.

THE DES MOINES RIVER GRANT.

Portions of these lands above the City of Des Moines, have been sold to individuals whose titles are now contested by certain Railroad Companies. I repeat a portion of my communication to the Ninth General Assembly, on this subject, as follows:

"The State having only conveyed what title it had to these lands may not be, legally, liable to make good any loss resulting to others from a failure of that title; but, certainly, is morally bound at least, to do what may be reasonably and fairly done to protect the rights and interests of those threatened with such loss. When the State granted to the Railroad Companies the lands granted to the State by Congress for Railroad purposes, it was not contemplated by the parties, certainly it was not contemplated by the State, that it was granting to these Companies lands previously conveyed by the State to others; and if, since the making of these grants the Companies who are to receive the benefit of

them, have discovered that, by strict legal construction, they are entitled to more than was contemplated, either by themselves or by the State, and are disposed to enforce strictly, these legal rights to the injury of innocent purchasers from the State, the State may, and, I think should hold these Companies in all things to a strict compliance with the terms of the grants made to them. If these Companies are now in default, and ask the indulgence and clemency of the State, it seems to me the State may, very properly, before extending such indulgence and clemency, enquire and know what indulgence and clemency these Companies will extend to the unfortunate holders of these lands, and make for the one, with the other, such terms and conditions as may be equitable and just to all."

At that Session, a law was passed forbidding the Governor to certify any further lands to the Dubuque and Sioux City Railroad Company, until said Company should have released to the State for the benefit of her grantees, the title to such of these lands as were claimed by that Company. No such release has been given, nor have any further lands been certified to said Company.

There is another conflict of title between the Des Moines Navigation Company, claiming as grantee of the State, and the Railroad Companies touching which the Report of the Register will afford you much valuable information. It is very desirable that these conflicts should be settled, because so long as they remain unsettled, the uncertainty of the title will prevent purchasers from either of the contesting parties, and the lands will remain vacant.

The joint resolution of Congress of date March 3d, 1861,

and the Act of Congress of date July 12th, 1862, concerning these lands have, in my judgment, put it in the power of the State to do something towards an amicable and equitable adjustment of this difficulty, and I recommend that an effort be made to that end. I further recommend that, if such effort shall fail, the Attorney General of the State be directed to bring or cause to be brought in the Courts of the United States, if it may be done, such suit or suits as will procure from the Supreme Court of the United States a final decision of these vexed questions.

THE SWAMP LAND GRANT.

I recommend the modification of the law approved April 8th, 1862, providing for the appointment of agents in regard to these lands, so as to allow the appointment of but a single agent on the part of the State, and to prohibit the appointment of special agents by counties. I am well satisfied that a single agent appointed by the State, will be able to effect more towards a speedy settlement of the Swamp Land business of the State, at Washington, than a larger number will do.

The same reasons which render desirable the settlement of the conflicting claims of the Railroad Companies, and the grantees of the State to portions of the Des Moines River Grant, apply with equal force to the conflict of title that has arisen between certain counties and the Railroad Companies as to portions of the Swamp Lands. I invite your careful examination of the question, whether you can do anything to bring about a settlement of these conflicting claims.

The Swamp Lands are granted to the State upon the con-

dition "that the proceeds of said lands, whether from sale or direct appropriation, in kind, shall be applied, exclusively, as far as necessary, to the purpose of re-claiming such lands, by means of the levees and drains aforesaid." The State by accepting this Grant, covenanted to perform this condition, either directly, or by those to whom she granted the lands; and this obligation still remains, and must continue to remain until it shall have been done. I recommend a careful examination of the legislation already had in regard to these lands, for the purpose of ascertaining if this point has been sufficiently secured, and supplying additional legislation, should it be found necessary.

I invite your special attention to that portion of the Report of the Register relating to the decision of the Secretary of the Interior, changing the form and substance of the proof required, of the swampy character of the lands sold by the United States, after the date of the Swamp Land Grant, for which the United States are to indemnify the State, and the decision of that officer, cutting off all claims for indemnity in counties where the Swamp Land selections were made after the 3d of March, 1857; and I recommend that you take the action suggested by the Register on these points. There can be no good reason why the claims of Iowa, under this Grant shall not be settled upon as liberal terms as the claims of other States; and if, by want of county organizations in a portion of our State, the proper steps were not taken to secure these lands in those counties within the time limited by law, I have no doubt that congress will upon a proper presentation of the facts, extend the time so that it may yet be done.

AGRICULTURAL COLLEGE GRANT.

Under the Act of Congress, approved July 2d, 1862, granting lands to the States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, this State is entitled to receive 240,000 acres of land, upon the conditions contained in said Act. These lands have been selected, and the selections are now being examined at Washington.

Among the conditions contained in the Act making the grant, are the following: that "no portion of said fund," (meaning the proceeds of the sales of the land granted,) "nor the interest thereon shall be applied, directly or indirectly, under any pretence whatever to the purchase, erection, preservation or repair of any building or buildings," and that "any State which may take and claim the benefit of this Act, shall provide, within five years, at least, not less than one College, as described in the fourth section of this Act, or the grant to such State shall cease, and said State shall be bound to pay the United States the amount received for any lands previously sold, and that the title to purchasers, under the State, shall be valid."

The fourth section of the Act provides, that all the proceeds of the lands granted, (except one-tenth of the amount, which may be expended for the purchase of lands for sites, or experimental farms,) shall be invested in stocks of the United States, or of the States, or some other safe stocks," * * * "and the interest shall be inviolably appropriated, by each State which may take and claim the benefit of this Act, to the endowment, support and maintenance of, at least, one College, where the leading object shall be, with-

out excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture, the mechanic arts, &c."

The grant, thus made to the State, is a magnificent one, being about five times as large as that made for the support of the State University, and will, if properly husbanded and cared for, make a rich endowment. But, to secure the grant, sufficient funds must be provided outside the grant, to erect the necessary buildings; and then funds must be provided to meet the current yearly expenses, until a quantity of the lands can be sold, the interest of the proceeds of which, invested as required by the law making the grant, will support the institution.

If these funds cannot be furnished or provision made in some other way to comply with the terms of the Grant, the State will lose the great benefits she may otherwise derive from this magnificent donation. I recommend the subject to your careful consideration.

THE SUPREME COURT.

I very earnestly recommend to you the passage of a law providing for the early appointment and subsequent election of an additional Judge of the Supreme Court; and also, that you make an appropriation of the sum of five thousand dollars to be expended under the direction of the Court, for the purchase of law books for the State Library.

The first of these measures I deem necessary to enable the Court to do its work promptly, and the second, to enable it to do it well. This tribunal is one of the most important branches of our State Government. Upon its

action more, perhaps, than upon that of any other branch of the Government, must our people depend for security for life, liberty and property. Questions are continually brought before it, from all parts of the State, affecting the most important interest of the parties to those questions; and the rules and principles established in deciding them, become rules and principles controlling the interest of every resident of the State. It is, therefore, of the first importance that the Court shall have time to examine all questions fully and carefully before deciding, and that it should have the means of making that examination intelligently. The Court now consists of only three members, and the amount of business before it is such, that, either great delay must ensue in disposing of it, or it must be transacted in such haste as to preclude proper examination and deliberation. The addition of another Judge will largely increase its working capacity, and will afford more time for careful and intelligent action.

The absolute necessity for a good Law Library, to a court of last resort, must be apparent to all. It is as unreasonable to expect learned and correct decisions from a court deprived of a good library, as it is to expect good and well finished work from a mechanic without tools. The Reports of other States contain the well considered opinions of their most learned Judges; the elementary works contain the principles upon which our whole legal system is based, and to require our Judges to decide cases involving questions affecting the most vital rights and interests of our people, without the opportunity to consult these fountains of law, is unreasonable in itself, and tends to render doubtful and

uncertain the principles controlling and protecting these rights and interests.

THE STATE UNIVERSITY.

This institution is now in a very flourishing condition. The number of students in attendance at the present time, is over three hundred and fifty, and they come from all parts of the State. The Faculty are devoted to the interests of the institution, and it is rapidly becoming, what it was intended to be, an honor to the State and a powerful aid in promoting her highest interests.

I renew my former recommendation, that provision be made, by law, for a Military Professorship in the University. Such professorship will not only popularize the institution, but will impart to our young men a kind of knowledge, the want of which has cost us many men and much treasure, since the commencement of the rebellion; and the necessity for which, in the future, the history of other nations teaches, may come upon us at any time.

The Board of Education, at their last session, directed the Trustees of the University to establish a Military Professorship as soon as the General Assembly should make the necessary appropriations. I have placed two hundred stands of arms, with accoutrements, in the hands of the Faculty, and I earnestly commend the matter to your favorable consideration.

The present number of students in attendance upon the University is greater than the capacity of the University buildings to accommodate; and, with the prospective increase in numbers, these buildings will soon be entirely

inadequate to the wants of the institution, and candidates for admission must be turned away for lack of room to receive them.

The former Hall of the House of Representatives, now used as a Chapel, is insufficient for the present numbers, and many are thus excluded from Chapel services. A larger hall is imperatively needed for Chapel, Commencement and all other exercises requiring the assembling of the whole number of students.

There are no suitable rooms for the Chemical Labratory. This, to our agricultural State, is, perhaps, the most important department of our University. Chemistry is becoming daily a more liberal contributor to agricultural knowledge and success; and the advancement of chemical science in our State, through the State University, should be especially encouraged.

Our University will not be complete until it shall have an Astronomical Observatory connected with it. This has already become a prominent feature of the University of Michigan, and the demands of our more Western location will soon require it of us. A building may be erected to answer all these purposes at much less cost than to provide for them separately.

Our State now stands with the foremost of her sister States in her intelligent and heroic devotion to the political institutions of our country. She needs but to use her advantages to take an equally high position in science and literature. The people are ready to avail themselves of the facilities furnished, and only ask that the State shall supply them. I respectfully urge upon you such action as shall

tend, ultimately, to place the State University of Iowa among the foremost of similar institutions in the land.

STATE HISTORICAL SOCIETY.

I call your attention to the report of the Curators of the State Historical Society.

Passing events render the work of this Society vastly more important than ever before. We are now making history with wonderful rapidity, but are making it in a fragmentary manner. Future ages demand of us that we collect and preserve these fragments as material from which a full and reliable record of the great events of our day may be preserved. This, with the ordinary work of the Society in collecting the early history of our State, is more than it can well perform with the means at its disposal.

No man can be found to devote to it the necessary time without compensation. I recommend an appropriation of five hundred dollars, as compensation for this purpose, in addition to the five hundred dollars heretofore appropriated for other purposes.

CHARITABLE INSTITUTIONS.

The Reports of the Trustees of the Blind Asylum and of the Asylum for the Insane, are herewith submitted. I recommend the appointment of a special committee to visit each of these institutions for the purpose of examining into their condition and wants, and that all may be done that the condition of our finances will allow, to make these institutions effective for accomplishing the noble objects for which they were founded.

I call your special attention to the final Report of Commissioner for superintending the erection of the Blind Asylum.

The Asylum for the Deaf and Dumb is still at Iowa City, in a building rented for that purpose. The annual rent paid is $375. Whether it is advisable, at this time, to erect a new building, the interest on the cost of which will far exceed the rent now paid, or whether it is best to continue occupy the rented buildings for a longer time, are questions properly committed to your judgment and discretion. The Report of the Trustees showing the expenditures for the last two years, and the estimates for the ensuing two years, are herewith submitted.

There has been a material increase in the prices of nearly all the articles required for the support of the pupils in these institutions, and consequently there should be a proportionate increase in the sums appropriated.

THE PENITENTIARY.

I was notified by the Warden, in June, 1862, that the old shops in the prison yard had been destroyed by fire. The contract between the State and the contractors for the prison labor, required the State to furnish shop room to work the criminals. The contractors had, in a suit tried and determined before this fire, made the want of sufficient shop room the basis of a claim for heavy damages against the State, which had been allowed them, and I had good reason to believe the want of shop room, caused by the fire, would be made the basis of another similar claim. Under these circumstances, I requested the Attorney General to meet me at

the prison, and after consultation with him, the Warden and myself entered into a contract with Messrs. Winterbotham & Jones, contractors for the prison labor, for the erection of new shops, at a cost of $8,504.67; which was paid as follows: Material from old shops, $200; cash appropriated at the last preceding Session for a new blacksmith shop, $2,500; proceeds of judgment in favor of State against contractors, $945.59; the balance of $4,859.08 to apply on the amount due, or to become due to the State, from the contractors, for prison labor.

It is a matter of doubt whether I had the authority to make this contract; but as the necessity appeared to be imperative, and as the contract could be made without drawing from the Treasury any money not appropriated by law, I deemed it my duty, having due regard to the interests of the State, to make the contract, and did so.

The new shops were completed in accordance with the terms of the contract, and have been ever since in use. The old shops were illy arranged, inconvenient and unsightly, and situated as they were, near the center of the prison yard, interfered materially with the preservation of proper order and discipline among the convicts. The new shops are large, substantial, and well arranged, and much more favorably located than the old ones.

A new contract has not as yet been made under the law passed at the extra session of 1862, for re-letting the convict labor. I have very serious doubts whether it is advisable, at this time, to re-let the whole of the labor. A large amount of work must necessarily soon be done in and about the prison. As our population increases, the number of

convicts will increase, and of course there will be necessary an increase of cell room. This can now be had, most economically and advantageously, by building a Warden's house on the foundation already laid for that purpose, and using the part of the main building now occupied by the Warden, for cell room; and by raising the roof and walls of the main building so as to receive two additional tiers of cells. The wall on one side of the yard has not yet been built, and I understand some additional grading is needed before it can be. The convicts can do much of the labor required for these improvements as well as hired laborers, and at much less cost to the State. Should this policy be adopted, it may be necessary to employ a few additional guards, but the additional expense will be much less than the difference between the cost of convict and other labor.

I have not been able to give as much time as I desired to supervising the affairs of the prison for the last two years; but I am of opinion everything has been done by the Warden and his subordinates, carefully, economically and well. The Warden's Report contains a full account of the receipts and expenditures, and a statement of what is, in his judgment, necessary to be done within the next two years. I invite your attention to this Report, and recommend the appointment of a special committee to visit the prison to examine the condition of the prison buildings for the purpose of determining the policy to be pursued in re-letting the prison labor.

ORGANIZING AND ARMING VOLUNTEER COMPANIES.

I became satisfied during the early part of last summer that designing men in this, as in other loyal States, were making preparations for an armed resistance to the authority of the General Government. The law of Congress, providing for a draft to fill the ranks of the Union Army, contained a provision that was eagerly seized upon to array the poorer of our people against the Government upon the specious pretence that the object of the law was to discriminate between the rich and the poor, to the injury of the poor.

The action of the Government, in freeing and using the slaves in the rebel States for the suppression of the Rebellion, was represented as a scheme, by the Government, to overrun the free States with the freed slaves, to the prejudice of the interest of the poor white man.

The Government had in some instances, arrested and temporarily imprisoned or sent beyond our lines, persons whose restraint the public safety required; and this was interpreted to mean, an intention on the part of the Government to break down all the defences of civil liberty, and to establish a despotism. The entire policy of our Government, as interpreted by these men, was that the war was waged, not for the preservation of the Union, but for the abolition of Slavery; that the object of the Government, in seeking to abolish Slavery was to bring the freed slaves North, and force their labor into competition with that of the poor white man; that by the so-called Conscription Law, the Government sought to force only the poor men of the country into the ranks of the army, to effect these objects so

prejudical to their interests, and that while these objects were being effected, the Government intended to overthrow our free institutions, and establish in their stead a despotism!

It is passing strange that intelligent men could be found so wicked as to make these statements, and that other men could be found so ignorant and foolish as to believe them. But so it was. These statements were made through the press and from the stump, in the most violent and exciting language, apparently with all the earnestness of conviction, and thousands of honest, but deluded men, believed them, and in consequence entertained feelings of deep hostility to the Government. In this excited state of the public mind, secret societies were organized in many, if not all of the loyal States, the members of which were, to some extent, secretly armed for the avowed purpose of protecting themselves against what were called "Arbitrary Arrests," but as I am satisfied with the intent upon the part of the leaders to bring their members into armed collision with the General Government, in case any attempt should be made to enforce the draft. The natural result of these teachings and this action, was seen in the bloody riot that occurred in the chief city of the Union, and in similar smaller outbreaks in other places.

Under these circumstances, my duty seemed to me to be plain and clear. I was bound to see the enforcement of the laws and the preservation of peace and good order; and when organized action was being taken throughout the State to prevent the one, and violate the other, I did not think my duty permitted me to wait until the evil was upon us before I took steps for its prevention. I accordingly called

upon the loyal men of the State, who were willing to aid in the enforcement of the law, to organize a volunteer military company in each county of the State. Such companies were promptly organized, in most of the counties, of loyal and substantial citizens, and as they were organized, I placed arms and ammunition in their hands to make their organization effective. By these means a sufficient force was provided to preserve the peace of the State and insure the enforcement of the law of Congress, without weakening our army facing the enemy by withdrawing any portion of it for that purpose, and in my judgment, this state of preparation to preserve the peace, tended largely to prevent its violation.

There was but a single occasion in which it was necessary to use the force thus organized. About the first day of August last, as a number of persons, who had been attending a political meeting near the village of South English, in Keokuk county, were returning through that village, a collision took place between them and other persons in the village, in which a Mr. Tally, who had addressed the meeting, was killed. The friends of Tally, instead of appealing to the laws and the officers of the law for redress, chose to assume that the officers of the law would not do their duty. They sent runners to various points and in a short time had gathered, near Sigourney, the county seat of the county, a large body of armed men, who undertook to dictate to the officers of the law for what offence and in what manner, the persons charged with killing Tally should be tried and punished. Much alarm existed throughout the county. The county funds were sent off for safety, and arrangements

were made to send away the county records; and orderly and law-abiding people were in great anxiety and terror. As soon as these facts were made known to me, I at once ordered to Sigourney a sufficient number of volunteer companies, of infantry and artillery, to give protection to the people and the officers of the law, and to show those assembled for unlawful purposes, not only the hopelessness, but the danger of their attempt to overawe the authorities; and I am glad to be able to inform you that the display of force was sufficient to effect the desired object. As soon as it became known that a force was being gathered to sustain the law, the unlawful assemblage quietly dispered, order and tranquility were restored, and the officers of the law were left unmolested in the performance of their duty.

The Companies thus organized and armed are still in existence, and, should any further legislation be deemed necessary for their efficiency, I recommend that such legislation be had.

In closing this subject, I would return my thanks to the officers and men ordered by me to Sigourney and South English, on the occasion referred to, for the promptness with which they responded to the order, and their soldierly conduct and bearing while on duty.

At the commencement of the Session of the Ninth General Assembly, the State had organized and sent to the field fourteen Regiments of Infantry, three Regiments of Cavalry, and three Batteries of Artillery; and had in process of organization, two Regiments of Infantry and one of Cavalry. Of these Regiments, the First Infantry was enlisted for three months, and had then been mustered out of service.

All the others were enlisted for three years. Since the commencement of that Session, the two Regiments of Infantry and one of Cavalry, then incomplete, have been organized, and in addition thereto, twenty-four Regiments of Infantry, five Regiments of Cavalry, and one Battery have been enlisted, and all for three years. Besides these complete organizations, a large number of men have been enlisted for Regiments in the field. I have not been able, as yet, to ascertain whether the quota of this State, under the last call of the President for volunteers to fill the ranks of our veteran Regiments, has been filled. If it has not, the deficiency cannot be large, if the proper credit has been given by the Provost Marshal General for our excess over all quotas previously called for, and can be easily and promptly filled by draft.

Besides the troops thus furnished to the army of the Union, there were organized, as required by the Acts of the Extra Session of 1862, five companies of mounted men for the protection of our north-western frontier against Indians, and ten companies of mounted men on our southern border, to protect the persons and property of our people on that line, against the depredations of organized bands of guerillas from Missouri. The Report of the Adjutant General will furnish you full information of the number of men that have been kept in active service on each of these lines, and of the number now in service. The companies on the north-western frontier have all been disbanded, and their place supplied by troops of the United States. While these companies were in service, they were required to erect block-houses and other buildings, at different points, for their

own convenience, and to serve as rallying points for the people in case of attack. These buildings are now occupied in whole or in part, by the United States troops on that line. I recommend such legislation as may be necessary for the preservation of these buildings. They may be useful in future, in case of another outbreak of the Indians.

We owe much, very much, to the brave men who have gone out from among us to take their places in the ranks of the army battling for the preservation of the Constitution and the Union. We owe much to those of them who are still living to fight for us, and much more to the families of those who have given their lives for our protection. Their duty to go was no greater than ours, but, in patriotism, they far excelled us. How shall we pay this debt? The praise we so freely accord, the honors we so joyfully confer upon them, and the gratitude we so deeply feel, are but small recompense. Of those who have died in the hospital and on the battle field, many have left behind them young children, who need care, protection and education, which the State is under the most solemn obligation to supply. Some of the soldiers, yet living, have been so far disabled that they cannot properly care for themselves. These we should support and maintain. I very earnestly recommend, that, either wholly by the State, or, by means of aid furnished by the State to those of our people who may be disposed to enter upon this work, ample provision be made for a home in which the children of our deceased soldiers may be cared for and educated, and in which those of our soldiers who may be unable to support themselves, may pleasantly live, the honored guests of a grateful people.

I renew a recommendation made by me in a Special Message to the General Assembly convened in Extra Session in 1862, as follows:

"The burthens of the war now being waged by our people for the preservation of our Government, bear heavily on us, and should be borne as equally as possible. These burthens are of two kinds: First, that of military duty in the field; and second, that of taxation at home. It seems to me to be unequal and unfair that those of us who bear the first of these burthens should be compelled to share with those of us who remain at home the second; that the soldiers who are fighting our battles in the field should be also compelled to pay their share of taxes equally with those who do not share their perils and privations.

"The compensation paid to those of our soldiers who hold commissions is sufficiently liberal to enable them to pay their taxes without inconvenience; but it is not so with their no less worthy but less fortunate comrades. It would, I think, be a just recognition by us, of our appreciation of the patriotism and self-sacrifice of the latter if we were to release them, during their service, from all taxes levied under State laws, and it would doubtless be news of comfort and cheer to them amid the dangers and trials by which they are surrounded for our sakes, that we had been careful that the houses that sheltered their wives and their little ones had been secured from danger of sale for taxes by our voluntary assumption of their share of the one burthen, while they are bravely bearing our share of the other. I therefore recommend to you that you pass a law exempting from all taxation under the laws of the State, the real and

personal property of all non-commissioned officers and privates in the Regiments of this State in the Army of the United States, during their continuance in service, and that for the current year there be added to the per centum of taxation upon the valuation of the property of all other taxpayers the sum of one-fourth of one mill on each dollar of such valuation, to cover the deficiency in revenue thereby created."

Much has been done by Sanitary Associations, in this and other States, for the health and comfort of our troops in the field and in the hospital, and for the support of their families at home.

The business of the General Sanitary Associations and of the local Aid Societies, in furnishing supplies to our soldiers in the field, has now become well arranged and systematized, and consequently, much more effective. This work can be done much better by those Societies than by the State, and I recommend that the State leave the matter in their hands. There should, however, be a liberal appropriation for a contingent fund, under the control of the Governor, from which he can, upon emergency, furnish aid to these Societies and to sick and disabled soldiers, under special circumstances, and by means of which, he can send to and keep in the field, such agents of the State as may be necessary for the comfort and well-being of our soldiers.

I very earnestly recommend, that some systematic mode of furnishing aid to the needy families of our soldiers be adopted. Whether this can be best done by moneys furnished by the State, and distributed by persons appointed by the State, or, through the instrumentality of local Aid

Societies, is a question of doubt. It is very certain the work should be done in some way, and I have no doubt your wisdom will ascertain and adopt the proper mode.

The office of the Adjutant General has, since the commencement of the war, been, and still is, a very important one. The labor and responsibility of the Adjutant General has been very great. The labor has always been well and promptly performed, and the responsibility cheerfully borne. The books of the office are well systematized and kept in most excellent condition. They embody a mass of information, in a neat and accessible form, that will, in the future, be highly useful to our soldiers and their friends and to the State. It affords me great pleasure to say, that much, of whatever success has attended the raising and organization of troops in this State, is due to the efficient services of the present incumbent of that office. The compensation, now allowed by law, is, in my judgment, wholly inadequate, and I recommend the increase of the salary to the sum of two thousand dollars per annum, with an allowance for traveling and other extraordinary expenses.

NATIONAL AFFAIRS.

I can not close this communication, and with it my official connection with the people of our State, without adverting to the condition of national affairs in which we are all so deeply and so vitally interested.

The war for the destruction of the Union on the one hand, and for its preservation on the other, still goes on. During the present year the successes of the Union armies have been so numerous and so important that the public

mind appears to have settled down into the belief that our ultimate success is certain and not far distant; and is now, to some extent, occupied with the question of reconstruction, so-called—the question as to the manner in which, and the terms and conditions upon which, the people within the territory composing the rebel States can again take part with the people of the loyal States, in administering the affairs of the General Government.

The President has recently issued a Proclamation to the people of the rebel States, in which he proposes to them such terms and conditions as, in his judgment, are right and proper. He proposes, in substance, that as soon as a number of the voting population of any one of those States, equal to one-tenth of the entire voting population of the State, as shown at the last Presidential election, shall take an oath, the form of which is prescribed, and shall establish a new Government, Republican in form, and consistent with the terms of the prescribed oath, such Government shall be recognized as the true Government of the State, and protected as such.

The terms of the prescribed oath are, that the party taking it "will henceforth faithfully support, protect and defend the Constitution of the United States and the union of the States thereunder; and will, in like manner, abide by and faithfully support, all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having

reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court."

Certain persons, that is to say "all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of said so-called Confederate Government, above the rank of Colonel in the army, or of Lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterward aided in the rebellion; and all who have engaged in any way, in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity," are excepted from the benefits of the Proclamation; all others, complying with the terms and conditions, have extended to them a full pardon "with restoration of all rights of property except as to slaves and in property-cases where rights of third parties shall have intervened."

The President, in his Proclamation, further declares "that any provision which may be adopted by such State Government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless and homeless class, will not be objected to by the National Executive. And it is suggested as not improper, that in constructing a loyal State Government in any

State, the name of the State, the boundary, the sub-division, the Constitution and the general Code of Laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State Government."

It seems to me these terms and conditions are eminently just and proper—fair and liberal to those to whom they are offered, and such as the permanent peace of the country requires.

All the people in the rebel States, perhaps, in law, certainly, a great majority, both in law and in fact, have committed treason—are guilty of that crime before the law, and are liable to the punishment affixed, by law, to the commission of that crime.

It would not be safe and judicious, either to punish all or to permit all to escape punishment. The leaders, the most guilty, should be punished. The mass, the least guilty, should be pardoned. An inspection of the exceptions from pardon, made by the President, will show he has made this distinction.

But, in extending pardon to the mass, it is just and proper that reasonable terms and conditions should be made.

The terms and conditions proposed by the President are, that the party guilty of treason shall swear, 1st, "That he will faithfully support, protect and defend the Constitution of the United States, and the union of the States thereunder." 2d, That he will "abide by and faithfully support all acts of Congress passed during the existing rebellion,

with reference to slaves, so long and so far as not repealed, modified or held void by Congress or by decision of the Supreme Court." And 3d, That he will "abide by and faithfully support all proclamations of the President, made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court."

Are these terms and conditions reasonable? No possible objection can be taken to the first requirement—that these men shall support the Constitution and the Union. The second and third requirements are, that these men shall abide by the laws of Congress and the Proclamations of the President concerning slaves, until those laws shall be changed by Congress, or those laws, or the President's proclamations, be decided void by the Supreme Court. This is just what it is the duty of every loyal citizen to do —to abide by and support the law until changed by the law-making power, or declared void by the Courts.

It may be said that the Proclamations of the President are not laws; that he had not the Constitutional power to issue such Proclamations. But the President believes he had the Constitutional power so to do, and has so done, and he only proposes that these acts shall stand in law "so long and so far as not modified or declared void by decision of the Supreme Court." In imposing these terms and conditions on those in rebellion against our Government, who may desire to lay down their arms, the President is but requiring of them the performance of a duty required of all men who have remained loyal.

Upon accepting these terms and conditions, the men now

guilty of treason and liable to punishment as criminals, are at once pardoned—are restored to their rights as citizens and again permitted to take part in administering our Government, and, at the same time, are restored to all their rights of property, except as to slaves, and where the rights of third parties have intervened. These exceptions are inevitable. If the acts of Congress and the Proclamations of the President concerning slaves, are Constitutional, then, so far as these acts and Proclamations reach, the slaves have become free, and cannot be restored to their former masters. Where property has been disposed of to third parties, under the Confiscation Act, it cannot be restored. Whatever has been lost to these men has been lost by reason of their own crimes; whatever yet remains will be restored if they will cease to be criminals.

Aside from the consideration, that, if the laws of Congress and the Proclamations of the President concerning slaves are valid as law, those who have been freed thereby cannot be again enslaved—aside from the consideration, that, even if this could be lawfully done, the doing of it would involve such a breach of honor and good faith, as would justly render us, as a nation, infamous throughout Christendom—aside from all considerations connected with slavery, as a social or moral question—aside from all considerations connected with its political effects upon the particular communities in which it exists, and looking upon it only in its bearing upon the present condition of our country, it seems to me that no man, who does not set the institution of slavery above the Union of the States, can now fail to do all that he lawfully may to aid in removing this curse from our nation.

It is directly or impliedly admitted by all, that slavery is the cause of the civil war now desolating the land, although different parties endeavor to throw the immediate blame upon their adversaries. The anti-slavery men of the country say that slavery is the cause of the war because, being founded on force, it is necessarily aggressive in its character; that it necessarily makes slaveholders, as a class, haughty, overbearing, impatient of control and unwilling to submit their opinions to those of the majority, whom they consider their inferiors. Some of the rebels admit, frankly, that the desire to perpetuate slavery and to make it the "corner stone" of the new confederacy, caused the rebellion, while others, and their apologists generally, insist, that the cause of our troubles is, not slavery itself, but the "fanaticism" of anti-slavery men on the subject of slavery; and there is still another class of our people who declare, that in their judgment, the cause of the war is to be found in the "fanaticism" upon the subject of slavery among extremists, North and South. These are but various statements of the same thing, showing that, however prejudice or partizanship may seek to evade or disguise the fact, our people, generally, recognize slavery as the cause of the war.

It is also true that slavery has been very much weakened since the war began; very large numbers of slaves have been set free, in fact, while other very large numbers, yet under the partial control of their masters, have been so operated upon by events as to make them unfit for slaves. It is, indeed, thought by many men, North and South, that in any event, slavery will perish.

It is also true that the anti-slavery sentiment of the

country is stronger than ever before. The convictions of the anti-slavery men of the country, as to the dangerous nature of the institution, have lost nothing of their strength, while many thousands who, before the war were either indifferent or positively favorable to slavery, are now among its most determined opponents. Is it wise, then for us, at a time when this cause of our troubles has nearly passed away, so to shape our action as to preserve a remnant that may take root and spread, until it has brought upon those who come after us, the terrible evils we are now enduring? Had we not better remove this cause of strife, and that being done, may we not reasonably hope that, when the natural bitterness growing out of our present strife shall have passed away, the kindly and fraternal feelings which, but for this cause, would have always existed, may be again restored?

But we should not permit the discussion of these, or similar questions, to divert us from the paramount purpose of prosecuting the war earnestly and vigorously, until all men in rebellion against the Government shall, either voluntarily or by compulsion, lay down their arms. In this consists our only safety, and I feel well assured that you will, so far as depends on you, see to it that Iowa, in the future as in the past, will do her full share of this good work, promptly and well.

The position occupied by our State, in this war for the preservation of the Union, is a proud and enviable one. From the first outbreak of the rebellion until the present time, Iowa has neither faltered nor wavered in the discharge of her duty. In both branches of the National Council she

has presented an unbroken front to treason and rebellion, and has given a steady and undivided support to the General Government. Her State Government, in all its branches, has given evidence of her unflinching and unconditional loyalty and devotion to the good cause. Her people have, at all times and promptly, filled all requisitions made upon them for troops to fill the ranks of the Union armies; and the men she has sent to the field have been, at least second to none in all soldierly qualities.

To these men yet another word is due from me. When this war began, ours was a new State, without a history. To day, her name stands on one of the brighest pages of our country's record—graven there by the bayonets of our brave soldiers, and that page is all over glowing with the proofs of their heroism and devotion. We have sent to the field no Regiment of which we do not feel justly proud, and the bare mention of the names of many of them stirs the blood and warms the heart of every Iowan.

It may perhaps be permitted me to say that I trust that when the history of the gallantry and devotion of these men shall be written, the position I have held will of necessity connect my name humbly, and not discreditably, with theirs, and that this trust affords compensation for somewhat of toil and care which have attended that position, and should be sufficient to satisfy an ambition greater than mine.

SAMUEL J. KIRKWOOD.

VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

MARCH 6, 1860

From the Journal of the House of Representatives, p. 379

EXECUTIVE OFFICE, IOWA, March 6, 1860.

Gentlemen of the House of Representatives:

I return to your house in which it originated, without my approval, a bill entitled "An act to amend section two of chapter one hundred and fifty-five, of the acts passed at the regular session of the seventh General Assembly, approved March 23d, A. D. 1858."

The bill postpones the next session of the Board of Education, until the first Monday of December, A. D. 1865, and in so doing, in my judgment, conflicts with the spirit, if not with the letter of the Constitution.

Under section 4, article 9 of the Constitution, the General Assembly certainly "may fix the time and place of meeting" of the board, but as certainly must exercise that power in a constitutional way. The instrument must be so construed, as, if possible, to give effect to all its parts, and no sound rule of construction will permit an exercise of power under one part of the instrument which will render another part inoperative and void, if by a different and reasonable construction, that result can be avoided.

It is provided in section 3 of the same article, as follows: "After the first election under the Constitution, the board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years, and one half of the board shall be chosen every two years thereafter."

Under this section, the people must, at the election in this year, elect members of the board to fill the seats of the first class vacated under its provisions, and the persons so elected will hold their offices for the term of four years, and yet, if the bill under consideration becomes a law, they will be deprived during their whole term of service of performing the duties which they were chosen by the people to perform. I cannot believe this to be the true intent and meaning of the Constitution.

Section 1 of the same article, provides as follows: "The educational interest of the State, including common schools and other educational institutions, shall be under the management of a Board of Education, &c." The power of the General Assembly over the matters thus entrusted to a Board of Education, is the power to "alter, amend and repeal" what has been done by the board, and the extent to which that power can be exercised by the General Assembly is doubtful and uncertain. It seems to me that in the present condition of our common school system, it is too hazardous to the most important interest of the State, so to legislate, as to render very probable, great confusion and difficulty in its management, either by reason of the want of legislation on the part of the Board of Education which clearly can legislate on this subject, or by reason of doubts of the

power of the General Assembly to do that which necessity may require to be done.

SAMUEL J. KIRKWOOD.

TO THE SENATE

MARCH 30, 1860

From the Journal of the Senate, p. 677

EXECUTIVE OFFICE, IOWA, March 30th, 1860.

Gentlemen of the Senate:

I herewith return to your House, in which it originated, without my approval, "an act to amend an act entitled an act authorizing General Banking in the State of Iowa," passed by the Seventh General Assembly.

Should the proposed act become a law, it would change the existing law in three particulars: First, By permitting banks to be organized thereunder, with a paid up capital of twenty-five thousand dollars, instead of fifty thousand dollars, as now provided. Second, By abolishing the office of Bank Commissioner, as provided by the original law, and dispensing with the supervision and control, by these Commissioners of the banks that might be established: And third, By permitting the establishment of banks in towns, with a population of two hundred and fifty inhabitants, instead of five hundred, as provided by the original law.

It seems very clear to me, that the second and third of these changes, would be very injurious to the interest of our people, by bringing into disrepute our entire banking system, and inflicting upon us a practically irredeemable paper currency.

The Bank Commissioners, (whose duties it is proposed to dispense with,) are now required to make semi-annually, and as much oftener as they may deem advisable, thorough and searching examinations of each bank, for the purpose of ascertaining if the law has been complied with, and the public are safe in receiving the bills in circulation; and, in case they find that the law has not been complied with, and that the public are not safe, they are empowered to take proper steps to secure the public safety. These Commissioners cannot be, either directly or indirectly, engaged in banking, under the law, and must be sworn to a faithful and impartial discharge of their duties. I am well satisfied that the provisions of the law providing for the appointment of these Commissioners, and defining their powers and duties, are wise and salutary, and that the performance of these duties is essential to the protection of the people, and I cannot approve an act which proposes to leave our people without that protection, which, in my judgment, is so essential to their safety.

The provisions of the original law, prohibiting the establishment of a bank in any city or town, with a population less than five hundred, are also, in my judgment, eminently wise and proper. The object of the law was to prevent the establishment of banks at points remote and inaccessible to those who might wish to present their bills for redemption; in other words, to prevent flooding of our State with a paper currency, practically irredeemable, and at the same time, to prevent the establishment of banks of issue at points where they could not do a legitimate business, and must therefore, be necessarily unsafe. Banks of issue can

only be tolerated where their bills are, at all times, convertible into specie, and any laws which practically prevent such conversion, are unwise and injurious. The States of Illinois and Wisconsin, have now a paper currency, practically irredeemable; and our people, as well as the people of those States, are annually suffering a heavy loss in consequence. It does not appear to me to be wise and prudent, to increase the evil, by adding to that currency now circulating largely among us, an additional amount of like character, issued in our own State.

It may be argued that the General Assembly, and the Executive of the State, are not required to examine banking laws with the same care and caution as others, because banking laws, after having been passed by the General Assembly, and approved by the Governor, do not take effect, unless approved by the people. I cannot concur in this opinion. In my judgment, the constitutional requirement that laws of this character should be approved by the people before going into effect, was not designed as a license to the General Assembly and Governor, to shirk their duties and responsibilities, and pass and approve such laws, without examination and deliberation, because the people were finally to pass upon them, but was intended to provide an additional ordeal through which such laws should pass, after the General Assembly and Governor had done their whole duty, as in other cases.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

APRIL 2, 1860

From the Journal of the House of Representatives, p. 638

EXECUTIVE OFFICE, IOWA, April 2d, 1860.

Gentlemen of the House of Representatives:

I return to your house, in which it originated, without my approval, "An act to cede jurisdiction over certain lots, the property of the United States, in the city of Dubuque."

My reasons for withholding my approval from this, are as follows: Chapter 218 of the acts of the sixth General Assembly, cede to the United States jurisdiction of such lands as the United States had then purchased, and might thereafter purchase in this State for public uses, with a proviso that nothing in said act contained, should be so construed "as to prevent, on such lands, the service of judicial process issued by any court of this State, or prevent the courts of this State from exercising jurisdiction of crimes committed thereon." The act under consideration cedes jurisdiction to certain lots in Dubuque, with a proviso that this State shall retain concurrent jurisdiction so far, "that all civil process, and such criminal process as may be issued under authority of this State against any person or persons charged with crimes committed within the bounds of this State, may be executed thereon in the same manner as though this jurisdiction had not been granted."

Upon a careful examination of the proposed act, I am of opinion that, taken in connection with the act of 1857, it would be construed to yield to the United States exclusive jurisdiction of crimes committed on the lands of which

jurisdiction is ceded, only retaining the right to serve process on said lands on persons who had committed crimes within the State limits, but without the lands over which jurisdiction has been ceded. I cannot consent to the passage of any law which surrenders the jurisdiction of crimes against the laws of our State, committed within her borders, to any other authority.

I have examined, to some extent, the legislation of other States upon this subject, and find it not to be uniform, but that in many cases the same extent of jurisdiction is reserved to the States as is reserved to this State by the law of 1857. Two cessions of land and jurisdiction was made by the State of New York by act of April 8, 1850, in which jurisdiction to the State was reserved in the following language: "And such jurisdiction is granted upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States, in and over the said lands, so far as that civil process in all cases not affecting the real and personal property of the United States, and such criminal or other process as shall issue under the authority of the State of New York, against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been hereby ceded."

It thus appears that the United States accepts from other States a jurisdiction as limited as that ceded by this State by the laws of 1857, and even were this otherwise, I could not give my approval to a law which would establish, within the limits of our State a place within which crimes, against

our own laws, could be committed, leaving our own courts powerless to punish these crimes.

SAMUEL J. KIRKWOOD.

TO THE SENATE

APRIL 2, 1860

From the Journal of the Senate, p. 713

EXECUTIVE OFFICE, IOWA, April 2d, 1860.

Gentlemen of the Senate:

An act providing for the election of, and defining the duties of Supreme Court Reporter, does not contain any enacting clause, without which it would not, in my opinion, be of any effect. I, therefore, return it to you for further consideration.

SAMUEL J. KIRKWOOD.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 8, 1862

From Original MS. Copy of Executive Journal, Vol. II, p. 145

EXECUTIVE OFFICE IOWA, April 8th 1862.

A bill for an act, entitled "an act to amend an act entitled an act for the government and regulation of the State University of Iowa" was submitted to me for my approval on the 7th day of April 1862, and during the last three days of the ninth session of the General Assembly of the State of Iowa, and being unable to approve the same, I on this

day deposit it in the office of the Secretary of State with my objections thereto.

The existing law authorizes the Board of Trustees of the University to elect a President and the requisite number of Professors and tutors, and to determine their respective salaries. The Trustees also have power by the existing law, to determine the amount of fees for tuition to be paid by those who are not entitled by law to free tuition in the University.

The bill proposes to fix the number of Professors and Assistants and their compensation, and also to fix the fees for tuition beyond the power of the Trustees to alter or change either except the number of Professors and that only in a single contingency.

The rates fixed for the compensation of the President and Professors are so low and the fees for tuition so high, that I am strongly impressed with the belief, that if the proposed bill should become a law the operations of the University would necessarily be suspended. This I would regard as a great calamity to the cause of education in the State.

The Trustees of the University, who are appointed by the Board of Education, are gentlemen who deservedly enjoy the confidence of our people. They have the interests of the Institution at heart, and by reason of their connection with the University in times past I feel assured the interests of the Institution and of the State in connection therewith will be safe in their hands, and there, in my judgment, they should at least for the present be left.

SAMUEL J. KIRKWOOD.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 9, 1862

From Original MS. Copy of Executive Journal, Vol. II, p. 143

EXECUTIVE OFFICE IOWA, April 9, 1862

On the 7th day of April 1862 & during the last three days of the session of the General Assembly of the State of Iowa a bill passed by that body entitled "an act to change and fix the salaries of the Judges of the Supreme Court and District Courts and of certain State officers" was submitted to me for my approval and as I cannot approve the same I now deposit it with the Secretary of State with my objections thereto as required by the constitution. This bill as shown by its title and by its terms proposes among other things to change and fix the salaries of the Judges of the Supreme and District Courts and to make such change operative upon the present Judges during the term for which they have been elected. This in my judgment is expressly forbidden by Section 9, Article 5 of the Constitution of this State. The language is clear and positive that the "compensation (of the Judges of the Supreme Court) shall not be increased or diminished during the term for which they shall have been elected." I understand however that it is claimed that the proposed law does not conflict with this provision of the constitution for the reason as is alleged that since the adoption of the new constitution until now there has not been any law prescribing their compensation. The section of the constitution referred to provides that the Judges of the Supreme Court shall each receive a

salary of two thousand dollars. There may be ground for doubt whether this provision is not absolute & unchangeable by law, but in my judgment this fixing of the salary extended only until 1860 after which time the General Assembly had power to prescribe their compensation as well as that of the District Judges subject to the provision that such compensation should not be increased or diminished during the term for which they had been elected.

The question then is this, was the compensation of these Judges "prescribed by law" at the time the bill under consideration was passed? Section 2 Article 12 of our present constitution provides that all laws in force at the time of its adoption not inconsistent with its provisions should remain in force until they should expire or be repealed. At the time the constitution was adopted a law was in force fixing the salaries of the Judges of the Supreme Court at $2000, each per annum—Section 1, Chapter 48 acts 6th General Assembly. This was not inconsistent with it because it was exactly like the constitutional provision on that subject. That law was therefore not repealed by the new constitution & remained in force until repealed by the General Assembly. That body might have repealed it in 1860 but did not. On the contrary a law was then passed appropriating for the payment of the Judges the precise sum "prescribed" by that law, so that in 1860 the compensation of the Judges was "prescribed by law." Even had there not been any such existing law the act of 1860 appropriating to them a certain amount of money as a salary or compensation for their services for a fixed period of time was in and of itself a law "prescribing their compensation" and

the compensation thus prescribed cannot in my judgment be increased or diminished during the term for which they were elected.

This position is much strengthened by these considerations. It was clearly the intention of the framers of the constitution that the salaries of the Judges should not be subject to the action of the General Assembly during their term of service. But if the General Assembly can at one session appropriate money to pay the salaries of the judges without thereby "prescribing their compensation" it is in the power of that body to nullify a plain requirement of the constitution and to do and continue to do the very thing the constitution forbids. If the action of the General Assembly in 1860 did not "prescribe" the compensation of the Judges at $2000 per annum, the General Assembly of 1862 could have appropriated a larger or smaller amount for each of them and still their compensation would not have been "prescribed" and thus from session to session the compensation to these officers could have been continually increased or diminished during their entire terms of service although the constitution is imperative this shall not be done.

Believing as I do that the bill is unconstitutional, I can not approve it.

SAMUEL J. KIRKWOOD.

SPECIAL MESSAGES

TO THE HOUSE OF REPRESENTATIVES

JANUARY 17, 1860

From the Journal of the House of Representatives, p. 94

EXECUTIVE OFFICE, IOWA, [January 17th] 1860.

Gentlemen of the House of Representatives:

In answer to the resolution passed on yesterday by the House of Representatives, enquiring "whether the company raised by the Seventh General Assembly for the protection of the frontier, has again been ordered into service for the third time, and if so, upon what reliable information such action was taken." I reply that said company has not again been ordered into service for the third time, nor has any information been received by me indicating a necessity for its services during the present winter.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1860

From the Journal of the House of Representatives, p. 159

EXECUTIVE OFFICE, IOWA, January 20, 1860.

Gentlemen of the House of Representatives:

I herewith transmit to you a copy of a communication

this day received by me from the Secretary of the Board of Trustees of the State University.[1]

SAMUEL J. KIRKWOOD.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 21, 1860

From the Journal of the Senate, p. 117

EXECUTIVE OFFICE, January 21, 1860.

Gentlemen of the Senate:

I herewith transmit to you a copy of a memorial forwarded to me by the Washington National Monument Society, with a request that it should be laid before the General Assembly.

SAMUEL J. KIRKWOOD.

To the Legislature of the State of Iowa:

Under a resolution adopted by the Washington National Monument Society, the subscribers were appointed a committee to address the several states of the Union, with the view of obtaining their aid in the completion of the National Monument, now in the course of erection in the metropolis of the Union, to the memory of Washington.

In the performance of their duty the undersigned would respectfully state that on the 4th day of July 1848, in the city of Washington, upon public ground, granted by Congress, the corner stone of

[1] The communication of the Secretary may be found in the *Executive Journal* in connection with this message. It is unimportant.

this monument was laid under favorable auspices in the presence of the President of the United States, and a large concourse of citizens, civil and military. From that day the work has progressed surely and rapidly, till the 22d day of Feb., 1855, when it reached the elevation of one hundred and seventy feet.

The means were furnished from individual contributions from American citizens. On the 22d day of February, 1855, by an unfortunate event, the work was wrested from the possession and management of the present Board of Managers, since that date little or nothing has been accomplished. In October, 1858, the present Board was re-instated in the trust, and they have again undertaken the management, confiding in the patriotism and liberality of their fellow citizens, to complete this National Memorial.

The Congress of the United States on Feb. 22d, 1859, incorporated them by a public charter, one of the provisions of which constituted the Governors of the several States, Ex-officio Vice Presidents of the Society; without going further into the details appertaining to the subject, the undersigned beg leave to refer your honorable body to the pamphlet containing the address of the Society to the American people, and an appendix, from which the history of the Society may be gathered. We would add that the Society would be pleased to submit all of its transactions to the investigations of your honorable bodies. The Society is now without funds for the accomplishment of its object, and it feels that it would be wanting in its duty, did it fail to make the statement to the sovereign States of the Union, and submit to them its respectful appeal for aid. The undersigned would deem it presumptuous in them, and derogatory to the sensibilities of your honorable bodies, to enlarge upon the merits of Washington, or his claims to the gratitude of America. The fame of his virtues fills the world. The cheek of every American glows with pride, and his heart throbs with gratitude at the mention of his name. But that cheek also blushes with shame, and that heart sinks with mortification at the reflection that no fit memorial has yet been erected to testify that pride and gratitude. The object of the Society

is to erect that memorial, and make it the loftiest work of art in the world; grand, simple and colossal, commemorative as it is intended to be of a grandeur, simplicity and colossal proportion, of character, unknown except in Washington, in the history of man.

As in duty bound we have the honor to be

Your respectful servants,

J. B. H. Smith, } Committee.
M. F. Maurey, }

TO THE HOUSE OF REPRESENTATIVES

February 2, 1860

From the Journal of the House of Representatives, p. 197

Executive Office, February 2d, 1860.

Gentlemen of the House of Representatives:

I transmit to you herewith, a letter addressed to this office by the President of an association of gentlemen in London, (England,) styled the "American Association in London," accompanied by a circular from that association, explaining its objects and wishes, and I respectfully recommend that you confer upon me the authority to comply with the wishes of the association thus made known.

Should you take any action in the premises, I request that you will transmit these papers, with that action, to the senate, for the reason, that as I have been furnished with but one copy of the circular and letter, I cannot communicate the same to each house.

Samuel J. Kirkwood.

TO THE SENATE

FEBRUARY 4, 1860

From the Journal of the Senate, p. 189

EXECUTIVE OFFICE, February 4th, 1860.

Gentlemen of the Senate:

I have received the resolution passed by you, requesting me to submit to the Senate the report of the Commissioners appointed to examine the accounts of the State Officers, pursuant to chapter 160 of the Acts of the 7th General Assembly, and an account of the expense of said commission in detail; *Provided*, The same has not been submitted heretofore.

Neither said report nor a copy thereof is in this office, but the same was, as I am informed, placed by my predecessor in the hands of the State Printer, in order that it might be printed for the use of the General Assembly. There are not any books or papers in this office, from which I could make out an account of the expense of said commission in detail.

Upon application to the Auditor of State, he furnished the required information, which I herewith transmit.

SAMUEL J. KIRKWOOD.

AUDITOR'S OFFICE, IOWA, February 4th, 1860.

To His Excellency, the Governor of the State of Iowa:

In reply to your inquiry of this date, I submit the following statement in detail of the expenses of the Commission to examine the accounts of the State Officers, as taken from the books of this office:

Commission to examine State Affairs.

1858.	June	1,	To Thomas Seeley, for	16⅔	days	service....	$ 50.00
	"	11,	J. M. Griffith, "	45	"	"	135.00
	Aug.	17,	Thomas Seeley, "	12⅓	"	"	37.00
	"	28,	Thomas Seeley, "	40	"	"	120.00
	Sept.	3,	J. M. Griffith, "	22	"	"	66.00
	Oct.	29,	J. A. Kasson, "	50	"	"	150.00
1859.	Jan.	22,	J. M. Griffith, "	15	"	"	45.00
	Dec.	23,	J. M. Griffith, "	15	"	"	45.00
	Total,						$648.00

The foregoing are all the items of accounts for such services yet presented at this office for allowance.

Respectfully,

J. W. CATTELL, *Auditor of State.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1860

From the Journal of the Senate, p. 313

EXECUTIVE OFFICE, IOWA, February 25th, 1860.

Gentlemen of the Senate and House of Representatives:

I have this day received from certain citizens of Clay, Cherokee and Woodbury counties, the communications herewith transmitted, in regard to depredations said by them to have been committed in those counties by Indians.

As you are now in session, I deem it proper to communicate with you before taking any steps in the matter. The distance from Ft. Dodge, to the points at which the alleged difficulties exist, is so great as to render the movement of a

force from that place, very difficult and expensive. Should you deem the use of any troops advisable, I would recommend that the services of persons in the valley of the Little Sioux River be invited and accepted, and that arms and ammunition, particularly the latter, be furnished them.

As the law now stands, I think I have not power to employ any force, except the company organized under the act passed for that purpose, at the last session of the General Assembly.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1860

From the Journal of the House of Representatives, p. 306

EXECUTIVE OFFICE, February 27, 1860.

Gentlemen of the House of Representatives:

I transmit herewith a claim made against the State by A. R. Parker, of Washington city, for certain maps.

Upon the receipt of the bill and the letter, dated January 16, 1860, I wrote D. M. Parker, requesting him to send me any papers in his possession relating to the matter, and on yesterday received the papers marked 1 to 7 inclusive.

SAM'L J. KIRKWOOD.

TO THE SENATE

FEBRUARY 28, 1860

From the Journal of the Senate, p. 340

EXECUTIVE OFFICE, February 28, 1860.

Gentlemen of the Senate:

I have received the resolution, passed by your body on yesterday, asking certain information in regard to a demand made upon me by the Governor of Virginia, for the arrest and surrender of one Barclay Coppoc, as a fugitive from justice.

I have examined that resolution with much care, and have very reluctantly arrived at the conclusion, that I ought not to answer it. I readily admit the propriety of giving to the public full information on this subject, and shall promptly communicate all facts within my knowledge, in any way connected therewith, whenever I can do so consistently with my self-respect, and with the respect and consideration which, in my judgment, are due to the department of our government which, for the time being, I have the honor to represent. I cannot, however, do so in response to a resolution which assumes that, in this matter, I have done acts which the common judgment of your body would pronounce to be improper in any person holding my official position.

This assumption, utterly unfounded as it is, I cannot either respond to or deny, without admitting, by implication, that the suggestion thereof was authorized by the facts of the case.

I cannot believe it was the well considered intention of your body, to embrace such assumption in your resolution,

but am satisfied that your action in this matter, took its present objectionable form through oversight and inadvertence.

For these reasons, I very respectfully return said resolution, that you may have the opportunity of giving it further consideration.

SAMUEL J. KIRKWOOD.

TO THE SENATE

MARCH 2, 1860

From the Journal of the Senate, p. 373

EXECUTIVE OFFICE, March 2, 1860.

Gentlemen of the Senate:

I herewith transmit the account of James Hall, State Geologist, with accompanying vouchers; it will be perceived that the expenses overrun the appropriations—there being in the survey account a deficiency of $1392.28, and in the publication account $957.30, for which an appropriation is required.

The Joint Resolution of the last Session would probably justify me in paying the deficiency in the publication account; but as it is a matter of doubt whether a Joint Resolution of this kind extends beyond the next succeeding Session of the General Assembly, I prefer referring the matter to you.

SAMUEL J. KIRKWOOD.

TO THE SENATE

MARCH 3, 1860

From the Journal of the Senate, p. 374

EXECUTIVE OFFICE, IOWA, March 3d, 1860.

Gentlemen of the Senate:

I have received this morning by an express messenger from Cherokee county, the accompanying papers in relation to Indian difficulties in that region.

At my request the messenger has consented to remain a short time in order to appear before a committee of your body, in case you see fit to desire his presence.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

MARCH 3, 1860

From the Journal of the House of Representatives, p. 346

EXECUTIVE OFFICE, March 3d, 1860.

Gentlemen of the House of Representatives:

I have received your resolution of yesterday, requesting me to communicate to you all the facts and correspondence connected with or in any way growing out of the demand made upon me for the arrest of Barclay Coppoc, and his surrender to the State of Virginia, as a fugitive from justice, and my reasons for refusing that demand.

The special message of the Governor of Virginia referred to in the preamble to your resolution, is of such extraordinary character as in my judgment to render proper the pub-

licity of the information asked for by your resolution. All the papers and correspondence connected with, or in any way growing out of this matter, are the requisition of the Governor of Virginia, a copy of which I transmit, marked A.; the affidavit upon which said requisition is based, which I copy in the body of this communication; my letter to the Governor of Virginia, dated January 23d, 1860, a copy which I transmit, marked B; and my letter to him dated January 24th, 1860, a copy of which I transmit, marked C. I have not received from the Governor of Virginia a reply to either of my letters to him, and I have not had correspondence upon this subject with any other person.

The facts touching that requisition were these: On the 23d day of January last, an agent of Virginia called upon me and presented his commission from the Governor of that State, as such agent, to receive Coppoc, who was demanded in the same commission as a fugitive from justice, as appeared by an annexed document, of which the following is an exact copy:

"City of Richmond, and State of Virginia, to wit: "Andrew Hunter maketh oath and saith, that from information received from several of the prisoners recently condemned and executed at Charleston, Jefferson county, Virginia, and from other facts which have come to his knowledge, he verily believes that a certain Barclay Coppoc was aiding and abetting a certain John Brown, and others, who on the sixteenth and seventeenth days of October, in the year 1859, did feloniously and treasonably rebel and commit treason against the commonwealth of Virginia, at a certain place called Harper's Ferry, in said county of Jefferson, and who did then and there feloniously conspire with and advise certain slaves in the county aforesaid to rebel and make insurrection against their masters, and against the

authority of the laws of said Commonwealth of Virginia—and who did then and there feloniously kill and murder certain Hayward Sheppard, a free negro, and George W. Turner, Fontaine Beckham, and Thomas Barclay—and affiant further states that from information recently received, he verily believes that said Barclay Coppoc is a fugitive from justice, now escaping in the State of Iowa.

"Sworn to before me a Notary Public in and for the city of Richmond, in the State of Virginia, this ninth day of January, 1860."

"S. H. Boykin, N. P."

Upon examination of this paper, I declined to issue my warrant for the arrest of the alleged fugitive, because, in my judgment, no authority so to do was conferred upon me by law, in a case resting on such a basis.

It is a high prerogative of official power in any case, to seize a citizen of the State and send him upon an exparte statement, and without any preliminary examination, and without confronting him with a single witness, to a distant State for trial. It is a prerogative so high that the law tolerates its exercise only on certain fixed conditions, and I certainly shall not exercise that power to the peril of any citizen of Iowa, upon the demand of the State of Virginia, or of any other State, unless these conditions are complied with.

The act of Congress provides that besides the Executive demand for the fugitive, there shall be produced "the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, felony or other crime, certified as authentic by the Governor," &c., &c., upon the presentation of which it becomes my duty to

cause the arrest to be made. There was not any "copy of an indictment found" presented to me, and of course the case rested upon the affidavit.

I refused the order of arrest in this case for the following reasons:

1st—The affidavit presented, was not made before "a magistrate," but before a Notary Public.

2d—Even had the law recognized an affidavit made before a Notary Public, the affidavit in this case was not authenticated by the Notary's seal.

3d—The affidavit does not show, unless it be inferentially, that Coppoc was in the State of Virginia at the time he "aided and abetted John Brown and others," as stated therein.

4th—It did not legally "charge him" with commission of "treason, felony or other crime."

I will consider the first and second reasons in connection. It will not be pretended that a Notary Public, an officer unknown to the common law, and equally unknown to the administration of justice, and never charged directly or indirectly with any step from first to last in the trial of criminal offenses, is "a magistrate within the meaning of the term" as used here or elsewhere. The Governor of Virginia does not so pretend, but seeks to avoid the force of this objection by citing an act of Congress, passed September, 1850. He says:—"But the Governor of Iowa has failed to see that by an act of Congress, passed on the 16th day of September, 1850, it is provided that in all cases in which, under the laws of the United States, oaths or affirmations, or acknowledgements may be taken before any Justice of the

Peace of any State or Territory, such oaths, affirmations or acknowledgments may hereafter be also taken or made by or before any Notary Public duly appointed in any State or Territory." "This act," he adds, "completely overthrows the reasons assigned by the Governor of Iowa, and makes the case so plain that argument and illustration can add nothing to it." It is true, I had not seen this act when I refused the warrant for Coppoc's arrest; but if I had seen it, my action would have been the same. In answer to my objection that the seal of the Notary was not attached to the affidavit, he says: "The Notary before whom the affidavit was made, was duly appointed in pursuance of the laws of this Commonwealth, (Virginia,) *and his signature was accompanied by a scroll*, in precise conformity with established usage and the decisions of our courts, which recognize scrolls as seals."

If the Governor of Virginia has not "failed to see" the "act of Congress, passed September 16th, 1850," he has certainly failed to read it. To suppose that he had read it would be to suppose that he had quoted just so much of said law as tended to support the position he had taken, and suppressed so much of it as showed that position to be utenable —a supposition which my sense of "comity" forbids my entertaining for a moment. I supply that portion of the law which he has, doubtlessly through inadvertence, omitted. The last words quoted by him, the words "State or Territory," are in the law as printed, followed by a comma, and then in immediate connection follow these words: "*and when certified under the hand and official seal* of such Notary, shall have the same force and effect, as if taken or made by

or before such justice or justices of the peace." [See 9th U. S. Statutes at large, page 458.] From this it appears by express provision of the law of Congress, an affidavit made before a Notary Public, shall have "force and effect" *only* when "*certified under his hand and official seal.*" Now, the affidavit made in this case before a Notary Public, is *not* certified under his hand and official seal, and I regret to be compelled to add that the statement of Governor Letcher, that the signature of the Notary to the affidavit, "was accompanied by a scroll" is wholly unfounded in fact. So far is this from being correct, that to this document received from him and still in my possession, there is neither seal, nor scroll, nor mark, nor device whatever. "Comity" requires that I shall express my belief that in so radical an error of fact, the Governor of Virginia was misled by the information of others, or by a defective memory, rather than by a desire to support his argument by a misrepresentation.

To recapitulate upon these points: The law of 1793, provides that when in this class of cases, an affidavit is used, such affidavit must be made "before a magistrate." The Governor of Virginia does not pretend that a Notary Public is "a magistrate" within the meaning of the law, but claims by the law of 1850, the law of 1793 was so modified as to permit the use of affidavits made before Notaries Public. But the same law of 1850 which modifies the law of 1793, expressly and in terms, provides that such affidavits, made before a Notary Public, "shall have the force and effect" only when "*certified under his hand and official seal,*" and the affidavit in this case was *not* so certified. Not being so certified, it did not have "force and effect," and not having

"force and effect" no warrant could issue upon it. It will be observed that the official seal of the Notary is expressly required by the act of Congress, and being so required, I could not waive it if I would. It appears to me that upon these points, "the case is so plain that arguments and illustration can add nothing to it."

I leave this part of the discussion here, waiving the question whether this law of 1850, so general in its terms, can be construed as repealing or amending the specific requisites of the special act providing in all respects the mode by which fugitives from justice are to be surrendered to another sovereignty for trial. I am advised that this construction would not be admitted by the Courts, and is altogether untenable and is without precedent in this State.

My third and fourth reasons, (which I shall also consider in connection) are that the affidavits did not show otherwise than by inference that Coppoc was in Virginia at the time he aided and "abetted" John Brown and others, as stated; and did not legally charge him with crime. What is the substance of the affidavit? Stripped of all verbiage, it is this and this only: Andrew Hunter swears "that John Brown and others on certain days and at a certain place in the State of Virginia, committed certain crimes," and "that from information received from several persons" recently condemned and executed in Virginia, and "from other facts that have come to his knowledge," he "*verily believes*" that Barclay Coppoc, "aided and abetted" said John Brown and others in the commission of said crimes, and that from other information more recently received, he "*verily believes* said Barclay Coppoc is a fugitive from justice now escaping into the State of Iowa."

Now what is the law? I quote a note from Brightly's Digest of the laws of the United States, page 293: "The affidavit, when that form of evidence is adopted, must be at least so explicit and certain that if it were laid before a magistrate it would justify him in committing the accused to answer the charge: 6 *Penn. Law Jour.* 414,418. It must state *positively* that the alleged crime was committed in the State from which the party is alleged to be a fugitive, and that the party is actually a fugitive *from that State. Exparte Smith*, 3 *McLean* 121,122, *Fetters case Zabr.* 311. In the matter of Hayward, 1 *Sandf.* S. C., 701; *Degant vs. Michael*, 2 *Carter*, 396. I quote further from 3 *McLean* 135: "Again the affidavit charges the shooting on the 6th of May in the county of Jackson and State of Missouri, *that he believes he has good reason to believe from evidence and information now (then) in his possession, that Joseph Smith was accessory before the fact, and is a resident or citizen of Illinois.*" The Court go on to say: "There are several objections to this. Mr. Boggs, [The affiant in that case] having the evidence and information in his possession, should have *incorporated it in the affidavit*, to enable the Court to judge of their sufficiency to support his belief. Again, he swears to a legal conclusion, when he says Smith was an accessory before the fact. What constitutes a man an accessory is a question of law, and not always easy of solution. Mr. Boggs' opinion then is not authority. He should have given the facts. He should have shown that they were committed in Missouri, to enable the Court to test them by the laws of Missouri, to see if they amounted to a crime. Again, *the affidavit is fatally defective in this, that Boggs swears to his belief.*"

Let us apply these rules to the affidavit under consideration. Andrew Hunter does not swear *positively* that Coppoc was ever in Virginia. He says certain persons other than Coppoc committed certain crimes at certain places in that State, and that Coppoc "aided and abetted" them, leaving to be inferred that he was with them in Virginia; but he might have furnished arms from Ohio, or ammunition from Pennsylvania, or aid and comfort from Maryland; thus "aiding and abetting" the crime committed in Virginia, without being there in person, and yet not liable to be tried in Virginia for so doing. Mr. Hunter says Coppoc is "a fugitive from justice, escaping in the State of Iowa." From what State? From Virginia, or Maryland, or Pennsylvania, or Ohio? It may be *inferred* the escape was from Virginia; but it is not "positively" so stated, nor is there on either point that "certainty that would justify a magistrate in committing an accused party." Again, Mr. Hunter "having the evidence and information in his possession, should have incorporated it in the affidavit." He swears to a legal conclusion when he says, "Coppoc *aided and abetted.*" What constitutes *aiding and abetting* "is a question of law and not always of easy solution." Mr. Hunter's "opinion is not authority. He should have sworn to the facts." The affidavit is fatally defective in this, that "Hunter swears to his belief." The whole case is this: A paper was presented to me purporting to be an affidavit made under a law of Congress, but not made before an officer recognized by that law; or if the law of 1850 applies to this class of cases, lacking to its authenticity an essential requisite prescribed by that law. That paper was made the basis of a demand

that I should arrest and surrender for trial for crime, in a distant State, a citizen of this State, while it contained only the statement of a person wholly unknown to me, *that he believed* the citizen was guilty of a crime; which crime if committed at all, might for aught appearing in the paper, have been committed in any other State as well as Virginia. I refused the demand made upon me, and now after a more full and careful consideration of the matter than I then gave it, I am content with the decision then made.

My action in this matter is not without precedent in our own State. My immediate predecessor refused a warrant for a citizen of this State, upon a requisition from the State of Indiana, upon the ground that the affidavit upon which the requisition was based, although sufficient in substance, was made before a Notary Public. The Governor of Indiana did not, as I am advised, consider this refusal as evidence that the people or authorities of Iowa were unwilling to perform their constitutional obligations, or a matter of sufficient importance to be the subject of a special message to the General Assembly of that State.

The Governor of Virginia complains that I did not cause Coppoc to be arrested and held until another requisition in proper form could have been sent to me. The law of this State provides the manner in which such provisional arrest shall be made, (Code, Sec. 3284, and the remaining sections of that Chapter.) I called the attention of the agent of Virginia specially to this law, read it to him, and placed it in his hands, and requested him to advise with counsel in relation thereto, and act upon that advice. For some reason, doubtless satisfactory to himself, but wholly unknown to

me, he did not, so far as I have learned, act under the provisions of that law. If the Governor of Virginia has cause for complaint against any person on this point, it is against his own agent, and not against me.

The Governor of Virginia also complains that the first of my letters to him was published in the papers of this State before it had reached him. This is probably true. During the afternoon of the day on which the requisition was presented to me, and after that fact had become public, many inquiries were made of me, touching the matter, and great desire expressed to know my reasons for refusing the warrant. It would have been useless and absurd in me to have affected secrecy in regard to the matter, when the agent of Virginia had himself made it public; and I answered inquiries by stating the facts, and for my reasons referred to my letter, a copy of which I had kept. Some of the gentlemen who read the letter, suggested that, as the matter would probably excite some public interest, it would be well to publish the letter; and not being able to see how, under the circumstances, any possible injury could result from its publication, I allowed copies to be taken for that purpose. It is to me a matter of profound regret that the Governor of Virginia did not, in his special message, content himself with an examination of the legality of the documents sent by him to me, and of my official action thereon, without attempting to convert a question of official power and duty into a question of personal motives. Not satisfying himself, apparently, that he had a good cause of complaint against me upon the law or the facts of the case, he repeats some hearsay, some suspicions of his own or his agents, some

broken extracts from my inaugural address, and from all these, attempts to justify his insinuations of my sympathy with the crimes lately committed in Virginia, and of my desire, perhaps efforts, for the escape of this alleged fugitive. I repel all such suggestions coming from him or from others, with the scorn they deserve; and I would not dignify them by any notice, were it not for this consideration. Right-minded men in other States may well suppose that the chief magistrate of Virginia could not make charges so grossly violative of the courtesy due by him to the chief magistrate of a sister State, unless he knew the charges to be sustained by the facts, and might construe my silence into an admission of their truth.

The fact that an agent of Virginia was here, with a requisition for Coppoc, became publicly known in this place, solely through the acts of that agent himself. I denied myself what I greatly desired, the privilege of consultation with gentlemen in whose opinions I had confidence, touching the legality of the papers submitted to me, lest the matter might thereby, through inadvertence, become known. After I had communicated to him my determination not to grant the warrant demanded, he sat in my office conversing freely with me on the subject. During our conversation, other persons came in on business with me, and to my surprise he continued the conversation in their presence. I said to him, that I had supposed he did not wish his business to be made public; to which he replied, that as the warrant had been refused, he did not care who knew his business, and continued the conversation. In this manner the fact that a requisition had been made for Coppoc became known

in this place; and I am credibly informed that it was well known in Iowa City, to many persons there, that the agent of Virginia was on his way to this place with such requisition, before he reached here.

The insinuation that I had anything to do, directly or indirectly, with sending information to Coppoc, that a requisition had been made for him, is simply and unqualifiedly untrue; nor have I any means of knowing whether such information was sent by others; or if so, by whom sent, other than that common to all persons then at the Capital—common rumor.

Were I disposed to follow the course pursued by the Governor of Virginia, I might perhaps find in this matter sufficient to justify the conclusion, that he has been throughout more anxious to lay a foundation for complaint against Iowa, for the purpose of inflaming sectional prejudice, than to procure the return of Coppoc to Virginia. The facts that the papers transmitted are so grossly defective; that the agent sent with them was so careless to keep secret his mission, that when his demand for a warrant was refused on the ground that his papers were insufficient, he failed to make use of the law pointed out to him for the provisional arrest of the alleged fugitive until new papers could be procured; and that the Governor of Virginia, without answering my letters or asking any explanations, has seen fit to promulgate his extraordinary special message, might justify that conclusion that those who are astute to discover, and deem it consistent with fair dealing to impute bad motives for all acts done by others, and the same process of reasoning might lead me to conclude that his declarations of attach-

ment to the Union, are but a cover to conceal on his part the design openly proclaimed by many with whom he fraternizes politically, to destroy that Union if they cannot control it.

The people of Iowa need no defense at my hands. They love the Union and are determined it shall be preserved. Their fealty to it is not determined by the fact whether or not they control its policy, and enjoy its honor and emoluments, and although they may believe at times that that policy is controlled for improper purposes, and those honors and emoluments placed in unworthy hands, they will still quietly wait until a change shall be made, in a legitimate and constitutional way; and when that time shall have come, they will see to it that the Union shall still be preserved.

Permit me to say in conclusion, that in my judgment, one of the most important duties of the official position I hold, is to see that no citizen of Iowa is carried beyond her border, and subjected to the ignominy of imprisonment and the perils of trial for crimes in another State, otherwise than by due process of law. That duty I shall perform. Whenever the Governor of Virginia, or of any other State, shall transmit to me papers properly executed, and containing proper proof, demanding the surrender of any one of our people, I shall promptly issue a warrant for his rendition, and not till then.

SAMUEL J. KIRKWOOD.

A.

The Commonwealth of Virginia, to the Executive Authority of the State of Iowa:

Whereas, It appears by the annexed document, which is hereby certified as authentic, that Barclay Coppoc is a fugitive from justice from this State, charged with the crime of treason, conspiring with and advising slaves to rebel and make insurrection, and with murder perpetrated at the town of Harper's Ferry, in this Commonwealth, on the sixteenth and seventeenth days of October, in the year 1859: Now therefore, I, John Letcher, Governor of the State of Virginia, have thought proper, by virtue of the provisions of the Constitution of the United States, in such cases made and provided, and of the laws of Congress in pursuance thereof, to demand of the Executive authority of Iowa, the arrest and surrender of Barclay Coppoc, and that he be delivered to C. Camp, who is hereby appointed the agent to receive him on the part of this Commonwealth.

Given under my hand as Governor, and under the Great
[L. S.] Seal of the State, at Richmond, this 10th day of January, 1860, and in the eighty-fourth year of the Commonwealth.

JOHN LETCHER.

B.

EXECUTIVE CHAMBER, IOWA,
DES MOINES, Jan. 23d, 1860.

To His Excellency, the Governor of Virginia:

Sir:—Your requisition for Barclay Coppoc, alleged to be a fugitive from justice from the State of Virginia, was this day placed in my hands by Mr. Camp. Having carefully considered the same, I am of opinion that I cannot, in the proper discharge of my duty as Executive of this State, grant the requisition, because it does not, in my opinion, come within the provisions of the Constitution of the United States, and the laws of Congress, passed in pursuance thereof. The certificate of the Notary Public, that the paper purporting to be

the affidavit of Andrew Hunter, was sworn to, is not authenticated by his Notarial Seal, and for that reason, is no higher evidence of that fact, than would be the statement of any other citizen. Were this the only difficulty, I would, as it is in its nature technical, feel disposed to waive it in this case; but there is a further defect, which in my judgment is fatal, and which my duty will not allow me to overlook.

The law provides that the Executive authority of a State demanding any person as a fugitive from justice, shall produce to the Executive authority of the State on which the demand is made, "the copy of an indictment found, or an affidavit made before a magistrate" of the State by which the demand is made. In this case, there is not a copy of any indictment produced, and the affidavit produced, is made before a Notary Public, who is not, in my judgment, a magistrate, within the meaning of the law of Congress.

This is a matter in which, as I understand, I have no discretionary power. Had the application been made to me in proper form, charging the offense charged in this case, the requisition must have been granted; and as it is, I have not any more authority to surrender the person demanded, than if requested to do so by a private letter.

Very respectfully,

SAMUEL J. KIRKWOOD.

C.

EXECUTIVE OFFICE, IOWA,
DES MOINES, Jan. 24th, 1860.

To His Excellency, the Governor of Virginia:

On yesterday, Mr. Camp, of your State, presented to me a requisition for Barclay Coppoc, which I declined to grant, for reasons stated in a letter to you, which I handed to him, (Mr. Camp.)

I have since examined more carefully the body of the affidavit of Andrew Hunter, and beg leave to call your attention to it. Mr. Hunter states that from information received by him from certain persons condemned and executed in your State, and from other facts

which have come his knowledge, he believes that Coppoc was aiding and abetting John Brown and others, who on certain days, in Virginia, committed certain crimes, and that from information recently received, he verily believes Coppoc is a fugitive from justice, escaping in this State. It is not stated, unless it be inferentially, that Coppoc committed the acts charged, in the State of Virginia, nor are any of the facts upon which affiant bases his belief of Coppoc's guilt stated.

It seems to me very desirable that in case you shall deem it your duty again to demand Coppoc from the Executive authority of this State, that no question may arise upon the sufficiency of the papers upon which the demand shall be made, and I have therefore deemed it proper to make to you the above suggestions.

Very respectfully,

SAMUEL J. KIRKWOOD.

GOVERNOR JOHN LETCHER'S COMMUNICATION RELATIVE TO THE REFUSAL OF THE GOVERNOR OF IOWA TO SURRENDER A FUGITIVE FROM JUSTICE.

From Pamphlet in the Library of the State Historical Society, Iowa City

[STATE OF VIRGINIA]

EXECUTIVE DEPARTMENT, Feb. 13, 1860.

Gentlemen of the Senate and House of Delegates:

Shortly after I entered upon my executive duties, I made a requisition on the governor of the state of Iowa, for Barclay Coppoc, who had been engaged in the Harpers Ferry raid, and had fled from justice. I had satisfactory evidence that the fugitive was at that time at the residence of his mother in that state; and subsequent events have fully confirmed the accuracy of the information. The governor refused to grant the requisition, for reasons assigned in two letters which accompany this communication, and to which I invite your attention.

The reasons assigned are, in my judgment, exceedingly frivolous, and such as have in no previous instance, to my knowledge, influenced the action of any state executive in its intercourse with this commonwealth. The course of the governor in this matter, considered in connection with the views presented in his inaugural message in relation to the occurrences and actors in the Harpers Ferry outrage, force upon my mind the conclusion that his action was taken, if not with the intention of permitting Coppoc to escape, and thus shield him from just punishment, for crimes of the most serious and aggravated character, committed against the sovereignty and laws of this state, yet with a certainty that it must have that effect.

He declines to grant the requisition in his letter of the 23d of January last, upon two grounds:

First, that the affidavit "is not authenticated by the notarial seal" of the notary who administered the oath to the affiant. The notary before whom the affidavit was made, was duly appointed in pursuance of the laws of this commonwealth, and his signature was accompanied by a scroll, in precise conformity with established usage and the decisions of our courts, which recognize scrolls as seals.

The object of a notarial seal, other than a scroll, can only be to give the document to which it is appended, additional authenticity, and to show by the sanction of an official seal, that the officer has greater authority than a mere individual. In this case the executive of this state, having the appointment of the notary, has the knowledge of his official station, and by authenticating the requisition and the documents to support it with the great seal of the state, gives greater authenticity to the signature of the notary than the notarial seal can possibly give. By the seal of the state the notary is acknowledged to be a proper officer to administer oaths—to be such an officer as he declares himself to be, and that the paper to which the officer has given his certificate, is such a paper as should be received and acknowledged to be authoritative. The governor of Iowa, therefore, had sufficient evidence to justify the issue of his warrant for the arrest of the fugitive. Indeed, he seems to have

considered this reason insufficient, as he follows it with the declaration, that "it is in its nature technical."

The second reason he assigns (and this he regards as conclusive) is, that the demand for the requisition should be accompanied by "the copy of an indictment found, or an affidavit made before a magistrate." The act of congress which requires the rendition of fugitives from justice, was passed in the year 1793, and does provide, that whenever the executive authority of any state, &c. shall demand a person as a fugitive from justice, of the executive authority of any other state, "and shall moreover produce the copy of an indictment found or affidavit made before a magistrate of any state," &c., the executive shall deliver him, &c. But the governor of Iowa has failed to see, that by an act of congress, passed on the 16th day of September 1850, it is provided, that "in all cases in which, under the laws of the United States, oaths, or affirmations or acknowledgements may now be taken or made before any justice or justices of the peace of any state or territory, such oaths, affirmations or acknowledgements may be hereafter also taken or made by or before any notary public duly appointed in any state or territory." This act undoubtedly recognizes notaries public as proper officers before whom affidavits can be made in all such cases, and completely overthrows the reason assigned by the governor of Iowa, and makes the case so plain, that argument and illustration can add nothing to it.

The governor's second letter, dated the 24th of January, assigns another reason in justification of his refusal to grant the requisition, viz: that "it is not stated, unless it be inferentially, that Coppoc committed the acts charged, in the state of Virginia." On reference to the preceding paragraph in his letter, Governor Kirkwood uses this language: "Mr. Hunter states, that from information received by him from certain persons condemned and executed in your state (Virginia), and from other facts which have come to his knowledge, he believes that Coppoc was aiding and abetting John Brown and others, who on certain days, *in Virginia*, committed certain crimes, and that from information recently received, he verily believes that

Coppoc is a fugitive from justice, escaping in this state." According to this statement of the allegations contaided in the affidavit, transmitted under the seal of this state to the governor of Iowa, the charge is clear and distinct, that the crimes were committed in Virginia, and that Coppoc is a fugitive from justice.

These are all the reasons assigned by the governor of Iowa for his extraordinary conduct in refusing to grant the requisition asked for by me in the name and on behalf of this state. In my judgment, they fall very far short of a justification.

The act of congress provides, that when a requisition is properly made for a fugitive from justice, "it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear." Comity between friendly sister states would seem to require, that in notorious cases like the present, of aggravated offences known to the whole country, the offender should not be permitted to escape for mere technical objections. Comity would seem to require, that the act of congress should be complied with, and that the governor should "cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand," and suggest the defect in the requisition; and then, if cured, to deliver up the offender; if not, to discharge him.

And such was the course of the patriotic and enlightened executive of Pennsylvania in the case of Edward Hazlett, who was demanded by the name of Albert Hazlett. But when the prisoner swore that his name was not Hazlett, but Albert Harrison, instead of discharging him, he was remanded to jail by the judge, and there held until a requisition could be awarded by Governor Wise, under his proper name.

How different has been the course of the governor of Iowa! Instead of causing this offender "to be arrested and secured, and notice

of the arrest given to the executive" of Virginia, he actually published in the newspapers of his state, as I have reason to believe, his letter addressed to me, and before I could have received it, thereby giving notice to the criminal to make his escape before the requisition could be amended, if it had been erroneous. I have also reason to believe that a messenger was dispatched to give information to the criminal that the agent of this state was in pursuit of him, but whether this messenger was sent by the governor, or by some other person to whom the fact had been communicated, I am not advised.

The Virginia law upon this subject provides, that "whenever any person shall be found within this state charged with treason, felony or other crime committed in any other state, any justice may, upon complaint on oath, or other satisfactory evidence that such person committed the offence, issue a warrant to bring the person so charged before the same or some other justice within the state." If it shall appear to the justice that there is reasonable cause to believe that the complaint is true, he shall commit the offender to prison, and shall apprise the governor thereof, "who shall thereupon communicate the same to the executive of the state where the crime is charged to have been committed." Since I have been in office I have executed this law, by giving the required information to the executive of Ohio. This is the comity required between friendly sister states —not the action which will refuse to arrest a flagrant offender, shield him from justice on frivolous pretexts, and then give him notice to flee. Such a course could have been prompted by no other consideration than sympathy for the criminal and the crime.

On reference to the Code of Iowa, chapter 206, page 458, under the title "Fugitives from Justice," it is provided, that "whenever a demand is made upon the governor of this state by the executive of any other state or territory, in any case authorized by the constitution and laws of the United States, for the delivery of any person charged in such state or territory with any crime, if such person is not held in custody or under bail to answer for any offence against the laws of the United States or of this state, he shall issue his war-

rant, under the seal of the state, authorizing the agent who makes such demand, either forthwith, or at such time as may be designated in the warrant, to take and transport such person to the line of this state, at the expense of such agent, and may also by such warrant require all peace officers to afford needful assistance in the execution thereof." This section of the law clearly defines the duty of the executive of Iowa in the case under consideration, and prescribes, in clear and distinct terms, the course to be pursued by him; and if it had been observed, we would now have had this violator of our laws in a condition to insure his trial for the crimes charged against him. As matters now stand, it is barely possible that he may be arrested and brought to trial.

A few days ago I received the "inaugural address" of Governor Kirkwood, of Iowa; and the paragraph relating to the recent occurrences at Harper's Ferry shows most clearly that his feelings and sympathies are warmly enlisted on the side of John Brown and his criminal associates. While he unqualifiedly condemns the act, yet "he cannot wonder at the recent unfortunate and bloody occurrence at Harper's Ferry." While he does not justify it, he yet declares it was "relieved to some extent of its guilt, in the minds of many, by the fact that the blow was struck for freedom and not for slavery." And he further says, "while the great mass of our northern people utterly condemn the act of John Brown, they feel and they express admiration and sympathy for the disinterestedness of purpose by which they believe he was governed, and for the unflinching courage and calm cheerfulness with which he met the consequences of his failure."

The denial of this requisition, and numerous other evidences of unfriendly feeling which are being exhibited daily by a large portion of the northern people, and their representative men, towards the south and the institution of domestic slavery, ought to impress upon us the necessity of adopting prompt, energetic and decided measures to protect our rights, secure direct trade, establish manufactures, and thus achieve southern independence. When men holding the highest

official positions in the free states "feel" and "express admiration and sympathy" for those whose characters are blackened with crime, and whose hands are stained with the blood of innocent and unoffending citizens of the slaveholding states—when they solemnly declare that "cannot wonder at the recent unfortunate and bloody occurrence at Harper's Ferry," we must cease to be surprised when we see the constitution and the laws enacted for the protection of the life, liberty and property, disregarded, contemned and trampled upon. We must meet this spirit of aggression upon the slaveholding states sternly and resolutely; and to this end, union and harmony is indispensable to success. We must have a united south. Necessity and duty to ourselves, and those who are identified with us in interest and sympathy, alike demand it.

The Union, as formed by our fathers, has always commanded the respect and affection of the people of Virginia—and they have always been, and still are ready to sustain and defend it. They have ever been loyal to the constitution, and willing to render a prompt and cheerful obedience to all laws passed in pursuance thereof. Their obligations to their sister states in the surrender of fugitives from justice, and in discharge of all other duties devolving upon them, have been faithfully complied with. The southern people ask for nothing beyond their constitutional rights, and I trust they will be satisfied with nothing less. It is time, therefore, that our northern brethren should understand that the only means of insuring the perpetuity of the Union, is to exhibit a proper respect for the rights of the states, to observe the constitution, execute the laws, and deal justly with their brethren of all sections of the country. Such a course on their part will restore peace to a distracted country, will reunite the severed ties of affection, and revive the reign of fraternal feeling.

Respectfully,

JOHN LETCHER.

TO THE HOUSE OF REPRESENTATIVES

MARCH 26, 1860

From the Journal of the House of Representatives, p. 529

EXECUTIVE OFFICE, IOWA, March 26, 1860.

Gentlemen of the House of Representatives:

I herewith transmit certain resolutions of the General Assembly of the State of Ohio, sent to me by the Governor of that State, to be laid before the General Assembly of this State.

SAMUEL J. KIRKWOOD.

"WHEREAS, The State of Ohio, with the rest of the Mississippi valley, is greatly interested in the extension of the market for those agricultural products, of which our soil can yield so vast a supply; therefore,

Resolved, (By the General Assembly of the State of Ohio,) That the President of the United States be respectfully requested to instruct our Minister at the Court of France, to use his best exertions to procure a reduction of the rates of duty now imposed by the French Government on the agricultural products of the United States, and especially of those duties now imposed upon provisions and bread stuffs.

Resolved, That two copies of these resolutions be transmitted by the Governor to the President, with a request that one of them be forwarded to the American Minister at Paris, and also send copies to the Governors of Indiana, Illinois, Missouri, Tennessee, Kentucky, Wisconsin, Iowa and Michigan, who are respectfully requested to lay them before the Legislatures of their respective States.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

COLUMBUS, OHIO, March 16, 1860.

TO THE HOUSE OF REPRESENTATIVES

MAY 20, 1861

From the Journal of the House of Representatives, p. 29

Gentlemen of the House of Representatives:

I herewith transmit a communication from the Warden of the Penitentiary, to which I ask your favorable consideration.[1]

SAMUEL J. KIRKWOOD.

EXECUTIVE CHAMBER, May 20th, 1861.

TO THE SENATE

MAY 20, 1861

From the Journal of the Senate, p. 33

EXECUTIVE CHAMBER, DES MOINES,
May 20th, 1861.

Gentlemen of the Senate:

I herewith transmit you certain letters in answer to your resolution of the 18th inst. as follows:

"*Resolved*, That the Governor be requested if not incompatible with the public safety, to furnish to the Senate, all the correspondence in his possession regarding an invasion of the State of Iowa, and also all regarding the purchase of arms for the use of the State."

I find that I did not bring with me to Des Moines all my letters and can therefore give you only a portion of them, "regarding an invasion of the State of Iowa." I have also

[1] Relative to increasing the number of guards. See Journal of the House of Representatives, p. 30.

received some letters on this subject from citizens of Missouri which I do not deem it "compatible with the public safety" to make public. I have also been visited personally by several of our own citizens from the Southern border of the State, who have in conversation strongly represented to me the danger of the invasion of our State by marauding parties of evil disposed persons. I am well satisfied that the danger of the "invasion" of our State is so imminent as to require prompt and decided action to "repel" it.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

MAY 21, 1861

From the Journal of the House of Representatives, p. 33

Gentlemen of the House of Representatives:

In answer to your Resolution of yesterday, 20th inst. viz:—

"*Resolved*, That the Governor be requested to report to this House the amount expended in organizing the First Regiment of Iowa Volunteers mustered into the service of the United States at Keokuk on the 14th inst., to include all items for which the State is liable.

"Also what steps have been taken toward raising the second Regiment, under what authority, what expense if any has been incurred and the estimated amount that will be required to raise said Regiment, to include all expenses until they are mustered into the service of the United States.

"Also whether any measures have been taken to raise a

force to protect our North and Western frontiers from Indian depredations. If so what has been done, the force that will be necessary if any, and the estimates of the expenditure necessary for that purpose."

I have to say of the first regiment, that there has been expended,

For uniforms for 2 companies at Dubuque	$1,939.04		
For Transporting same from Davenport to Dubuque, ...		336.00	
For Uniform 1 company at Davenport, ...	1,100.00		
For Shoes and Stockings for Dubuque companies,	300.00		
For Subsistence 1 Davenport and 2 Dubuque companies at Davenport to May 5, ...			1,410.00
For Transporting 3 companies to Keokuk, ...		776.40	
For Freight, ...		48.80	
For Uniform for 1 company at Iowa City, ...	1,150.00		
For Shirts for 1 company at Iowa City, ...	212.50		
For Transporting to Keokuk from Iowa City, ..		125.00	
For Subsistence, Iowa City, Muscatine, &c. ..			262.50

For Uniform for 1 company at Cedar Rapids,.	1,100.00		
For Transportation to Keokuk from Cedar Rapids,		150.00	
For subsistence, Cedar Rapids, Muscatine, &c., &c., ...			550.00
For Uniforms for 2 companies at Muscatine,...	2,300.00		
For Transportation 2 companies to Keokuk from Muscatine,.....		280.00	
For Freight, ...		20.00	
For Subsistence 2 companies at Muscatine,...			600.00
For Uniforms 3 companies, 2 at Burlington, 1 at Mt. Pleasant, ...	3,000.00		
For Transportation to Keokuk from Mt. Pleasant, ...		350.00	
For Subsistence 3 companies, ...			1,269.58
For Subsistence 10 companies, to May 14,....			2,200.00
For 1000 Flannel Shirts, $1250, 1000 Drawers, $1000, ...	2,250.00		
For 1000 Blankets, (no bill) say	3,000.00		

For 150 Soldiers' Tents, 7½ by 10 Walls, ...		2,100.00
For 10 Officers' Tents, 12 by 12, Walls, ...		300.00
For Marquees, Walls and Flies, ...		100.00
Clothing and Uniform ———		
Total.....$16,351.54 ———		
Transportation Total.....	$2,086.20 ———	
Subsistence Total		$6,292.08 ——
Tents		$2,000.00
Grand Total First Regiment		$27,229.82
Pay of officers and men until mustered into service of United States, for about ¾ of a month, if allowed by State, say		12,000.00
		$39,229.82

In regard to the second clause of the resolution, and the raising of the second regiment, I have to say, that without other authority than the general statements in the newspapers that another call had or would be made, and that I should only carry out the wishes of the people, in placing Iowa in a position to respond promptly to such call, (since made for two Regiments,) I ordered the ten companies of the second Regiment into quarters, for the purpose of perfecting their drill.

Expenses have been incurred for subsistence, to amount of	$ 6,000.00
For material for Uniforms, say	$ 4,000.00
Total incurred,	$10,000.00
I estimate subsistence until mustered into United States service in addition to amount incurred,	$ 3,000.00
Transportation,	2,000.00
Balance on Uniforms, Blankets, etc.,	18,000.00
Tents,	2,500.00
Pay of officers and men until mustered into service of United States, if allowed by the State, one month, say	15,000.00
Total,	$50,500.00

In addition to the foregoing, for 1st and 2d Regiments there has been expended as follows:

Senator Grimes' trip to Washington and return, say	$ 200.00
Captain Herron's trip to Springfield and return	18.00
Sundry expenses, Telegraphing, Stationery, Room rent, etc.	350.00
Powder at Davenport, 6500 lbs. say	1,625.00
Powder at Keokuk,	2,300.00
Total,	$4,493.00

In reply to the third and last clause in the resolution, I have to say that in addition to advising private parties on the Western frontier, to organize and perfect their drill with such private arms as they might be able to obtain, I have written the following letter, viz:

EXECUTIVE OFFICE, IOWA,
April 25, 1861.

HON. CALEB BALDWIN, Council Bluffs, Iowa:

Dear Sir:—I hand you herewith blank commissions for military companies in the Western counties in this State. Please fill them up and deliver them to the officers elected by companies organized under your direction. I am informed some uneasiness exists on the Western frontier, lest the border counties suffer from attacks by Indians or lawless men from Missouri. There are not now any arms to send there, except about 50 muskets, that will be sent at once. The people should organize as minute men, and arm themselves with private arms as well as they can. I authorize you to make such arrangements as you may think the safety of the border requires in the way of organizing companies, and perfecting a system of communication with each other in case of need. You are also authorized to call any of these companies into service if in your judgment the public safety requires, and continue them in service as long as the necessity may require. If they are called on to act against Indians, they had better act as mounted men. From necessity I leave the whole matter in your discretion, confident that you will in all respects, act with due regard to the safety of the frontier and the public interest. In case you are compelled to call out any of the companies, let me know at once. I will recommend to the General Assembly the payment of the men for any time they may be in actual service under your direction.

Very Truly,

(Signed) SAMUEL J. KIRKWOOD.

A number of companies have been organized under the foregoing instructions, but so far as yet advised, none have been called into actual service. Some expense has been incurred in the purchase of ammunition, but I am not informed as to the amount.

I have forwarded to Council Bluffs 140 stand of arms, and have ordered one 8 lb. field piece, and 40 revolvers

with the necessary equipments and ammunition transported thither without delay, incurring for express charges, freight, &c., &c., an expense now known of $359.95. The force necessary to protect the North and Western frontier should be had by organizing in each county one company of mounted rangers who should meet for drill and company exercise as often as their patriotism and interest might induce them to do, and the expense attending such force consists in furnishing each member of a company with a rifle and sword bayonet, valued at from 23 to 50 dollars, and a Colt's revolver valued at 22 to 25 dollars.

Besides the expenses incurred in the 1st and 2d Regiments, and the protection of the frontier, there are sundry small bills, the amount of which I cannot now even estimate, and in the absence of bills rendered, there may be items of considerable amount which have escaped my recollection.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

MAY 21, 1861

From the Journal of the House of Representatives, p. 37

Gentlemen of the House of Representatives:

I herewith transmit communications from the officers of the first regiment, Iowa Volunteers, now in camp at Keokuk, to which I invite your speedy and favorable consideration.[1]

Very Respectfully,

SAMUEL J. KIRKWOOD.

[1] Relative to the clothing and pay of the regiment. See Journal of the House of Representatives, p. 37.

TO THE HOUSE OF REPRESENTATIVES

MAY 23, 1861

From the Journal of the House of Representatives, p. 51

Gentlemen of the House of Representatives:

In reply to your Resolution of enquiries in regard to Clothing furnished the First Iowa Regiment, I have the honor to say:

When the telegraphic despatch from the Secretary of War informing me of the requisition for the First Regiment reached me, I did not anticipate the uniforming the men at the expense of the State, as such course had not, so far as I knew or could learn, been pursued in the Mexican War, nor was its necessity indicated by the Secretary of War. Fearing, however, that the suddenness of the danger might render it desirable to furnish uniforms, I immediately wrote to the Secretary of War asking information on that point; but the interruption of communication at Baltimore prevented me from receiving any answer. Judging from the fact that other States were preparing for uniforming their Volunteers, that it would be desirable to have the same done here, I sent an Agent to Chicago to purchase material for uniforms, but the sudden and great demand for that kind of goods had exhausted the supplies in that city. On learning this, by telegraph, and fearing there would not be time to await a supply from New York, I immediately instructed the persons acting as Commissaries, to purchase materials and make uniforms at the points where the several Companies had been raised. The persons who had the matter in charge at the different points, were at Dubuque,

D. N. Cooley, Esq., and Capt. F. J. Herron. Capt. Herron was sent specially from Davenport to Dubuque to select the materials and direct the making of the uniforms in such manner as the Companies preferred. At Cedar Rapids, Dr. Carpenter; at Davenport, Hiram Price, Esq.; at Muscatine, Hon. Jos. A. Greene; and at Burlington, Major J. G. Lauman. At Muscatine and Iowa City the material was purchased, as I understand, and the making of the clothes superintended by committees of citizens. Under these circumstances it was of course impossible to procure the same uniform for the whole Regiment. All that could be done was to have the men of each Company clothed alike, but differing from those of other Companies. It was also impossible to procure as good material as would have been desirable had more time been allowed. Much of the clothing was made by the ladies which has to that extent lessened the cost. The amount of Clothing furnished, so far as the means now in my possession enable me to state, are as follows:

Capt. Herron's Company, Dubuque; each man, hat, frock coat, pants, two flannel shirts, two pairs of socks, and one pair of shoes.

Capt. Gottschalk's Company, Dubuque; blouse instead of coat, and other articles same as Capt. Herron's.

Capt. Cook's Company, Cedar Rapids; hat, two flannel shirts, pants, socks, and shoes, no jacket or coat.

Capt. Mahana's Company, Iowa City; hat, jacket, pants, two flannel shirts, socks and shoes.

Capt. Wentz's Company, Davenport; hat, blouse, pants, two flannel shirts, socks and shoes.

Capt. Cummins' Company, Muscatine; cap, jacket, pants, two flannel shirts, socks and shoes.

Capt. Mason's Company, Muscatine; same as Capt. Cummins.

Capt. Matthies' Company, Burlington; hat, blouse, pants, two flannel shirts, socks and shoes.

Capt. Streaper's Company, Burlington; same as Capt. Matthies.

Capt. Wise's Company, Mount Pleasant; same as Capt. Matthies.

I am not sure that all the Companies were furnished with all the socks, shoes and shirts. Some of the shoes, I have reason to believe, were not of good quality, costing only from $1.25 to $1.50 per pair; others I know were good, costing from $2.00 to $2.50 per pair. One thousand extra shirts were sent to Keokuk to supply any deficiency that may have existed in that particular. Most of the material for the pants was satinet and not of good quality, costing so far as the same came under my observation from 40 to 60 cents per yard by the quantity. The entire amount expended for Clothing, so far as I can give it from the data in my possession, is about $12,000 or $13,000, including the one thousand shirts above mentioned. If it be desirable in your judgment to have the Companies of this Regiment uniformed alike, it will be necessary to furnish all with coats of the same make, as also with pants, and to furnish an additional number of hats or caps. Hats were procured for all, but some preferred the cap and procured it, and the cost has been provided for. I can not think that all the Companies need new shoes, as some of the shoes furnished were of excellent quality, and have not yet been worn more than two or three weeks.

I am satisfied it is requisite for the comfort of these troops, that many of them be furnished with pantaloons and shoes, and some of them with socks. As the Second and Third Regiments will be clothed throughout alike, it would, no doubt, be very gratifying to the First Regiment to be placed in the same position, and it will afford me much pleasure to carry out whatever may be your wishes in that regard.

SAMUEL J. KIRKWOOD.

TO THE SENATE

MAY 23, 1861

From the Journal of the Senate, p. 55

Gentlemen of the Senate:

I answer to your resolution inquiring as to the number, description, and quality of arms furnished to this State by the General Government, I have the honor to submit a communication from the Adjutant General.

SAMUEL J. KIRKWOOD.

EXECUTIVE OFFICE, IOWA, May 23d, 1861.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

MAY 24, 1861

From the Journal of the House of Representatives, p. 74

EXECUTIVE CHAMBER, DES MOINES,
May 24th, 1861.

Gentlemen of the Senate and House of Representaiives:

Since the commencement of your session I have been engaged as fully as my other duties would permit in collect-

ing and comparing information from the different parts of our exposed frontier as to what is necessary for the protection of that portion of our State, and in making estimates of the sums necessary in my opinion for that and other purposes connected with the present and possibly future emergency.

The pressing need upon our border is for arms and ammunition. The people are willing and confident of their ability to defend themselves against what they most fear, the depredations of Indians and plunderers, provided they are promptly furnished with good arms and ammunition, and until this shall be done they will be in a state of uneasiness and alarm to a greater or less degree as the various localities are more or less exposed. I consider it a matter of primary importance that your action on this matter be as speedy as may in your judgment be consistent with proper deliberation. I would have sent an Agent to find and contract for arms for this purpose in anticipation of your action, but for the fact that the provisions of the bill for that purpose pending before you require that said Agent shall be nominated to and confirmed by the Senate. The appointment by me of an Agent for that purpose, and the sending him on his mission in advance of the passage of the law, under the circumstances would have been improper and highly censurable.

I fear that the present great demand for arms by the United States and the different States will cause considerable delay in procuring arms after I have authority to act, and I therefore again respectfully recommend that your action on this subject be as speedy as possible. I am dis-

tinctly of opinion that in view of our present condition and the uncertainty of the future it is highly desirable with reference both to our duty to our State and to the General Government, that you make provision for the organization, encampment and drilling for a limited time of not less than three skeleton Regiments, at the expense of the State. With a liberal provision for the purchase of arms and ammunition for the use of mounted men for the defense of the border, and a provision for three Regiments for a limited time at the expense of the State, I think Iowa will be placed in a position consistent alike with her honor and safety.

But to do this and at the same time make prudent provision for the uncertain future, will, in my judgment, require that you make provision for a loan of at least a million dollars. The best estimates I can make are that the expenses already incurred and that must be incurred in case the measures above recommended be adopted, will amount to half a million, and it seems to me very clear that to leave me with all this machinery on hand for the purposes above indicated, and without leaving under my control the means necessary to use the machinery for the purposes for which it was provided will not be either safe or prudent.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

MAY 24, 1861

From the Journal of the House of Representatives, p. 104

Gentlemen of the House of Representatives:

I transmit herewith an authenticated copy of a Joint Resolution passed by the Congress of the United States at its last regular Session, proposing an amendment to the Constitution of the United States.

Within the last few years a belief has grown up among the people of the Southern States, that one of the great political parties of the country sought the control of the General Government for the purpose of using its powers to interfere with the institution of Slavery in the States, where that institution exists. Whilst I am satisfied that this belief is honestly entertained by the mass of Southern people I am equally well satisfied that such belief has been earnestly propagated among them by designing politicians, who themselves did not so believe, for the purpose of exciting their people to madness, and thus effecting a dissolution of the Union.

In this view I fully approved the action of Congress in adopting the Joint Resolution. At that time many of the Southern States were yet loyal to the Union and I had strong hopes this action of Congress would convince them of the groundlessness of their fears on this point, and would tend much not only to hold to their allegiance the States then loyal, but also to weaken the strength of the disunionists in the States that had attempted secession.

Were the condition of affairs to-day the same as when

these joint resolutions were adopted, I would recommend the adoption of the proposed amendment to the constitution. But unfortunately this is not the case. Not only do the States which had then seceded still maintain that position, but others then loyal have since joined them and still others, disregarding their obligations to the Union, refuse their aid to its support. Many of the Southern States, are in open rebellion against, and at open war with the General Government, and in the others either with or without the approbation of the State authorities large numbers of their people are openly engaged in giving aid and comfort to the rebels. In view of these facts and of the probability, judging from the past, that concession would at this time be construed as evidence not of magnanimity but of weakness, and in view of the other facts, that the subject is one which requires grave deliberation, and that it is eminently proper it should be passed upon by Representatives elected by the people after the subject has been fully canvassed before them, I feel constrained to recommend that this matter be passed over by you until the next regular session.

SAMUEL J. KIRKWOOD.

EXECUTIVE CHAMBER, DES MOINES,
May 24th, 1861.

TO THE GENERAL ASSEMBLY

MAY 24, 1861

From the Journal of the Senate, p. 22

EXECUTIVE OFFICE, IOWA, May 24th, 1861.

Gentlemen of the General Assembly:

In my former communication to you, I omitted to mention the obligation the State is under to the Chicago, Iowa & Nebraska; the Mississippi & Missouri, and the Burlington and Missouri Railroad Companies, for the handsome manner in which they placed their Roads at the disposal of the State, for the conveyance of the State troops free of charge; and the offer of other Railroad Companies to do the like.

The great importance of Railroad communication in its bearing upon the military strength of a State, by facilitating the rapid concentration of troops, has been strikingly shown in some of our sister States during the present crisis, and can hardly be over-estimated by the State of Iowa.

In this connexion I may state to you that the Dubuque & Sioux City Railroad Company, one of the Land Grant Roads of the State, which, by the terms of the grant, must carry troops and munitions of war free of charge, is desirous of some legislation at this Session to aid it in extending its line westward; and I recommend its application to you, for that purpose, to your favorable consideration.

SAMUEL J. KIRKWOOD.

TO THE SENATE

MAY 27, 1861

From the Journal of the Senate, p. 100

Gentlemen of the Senate:

I have the honor to state in reply to your resolution of inquiry whether I have employed an agent to purchase clothing for the two first regiments now stationed at Keokuk, Iowa, that I have contracted with Hon. S. Merrill for the following clothing for the 2d and 3d regiments, to-wit:

2,000 Gray, all wool frock coats.

2,000 Gray, all wool pants.

2,000 Gray Felt hats.

4,000 Gray, all wool flannel shirts.

4,000 Gray, all wool flannel drawers.

4,000 pairs all wool knit socks.

2,000 pairs best army brogans.

Being 1 hat, 1 coat, 1 pair pants, 2 shirts, 2 pairs drawers, 2 pairs socks and 1 pair shoes for each man, at the price of twenty-one dollars for each man, delivered on board cars at Boston, Massachusetts, to be paid for when delivered and accepted by my agent there, in bonds of the State at par, if the contractor will receive said bonds at par, and if not, to be paid for there as soon as the money can be realized by the sale of bonds. In obedience to a joint resolution of the General Assembly, I have also ordered from the same person, 1 coat, 1 pair of pants, and 1 pair of brogans for each member of the first regiment, which will cost about fifteen dollars per man.

SAMUEL J. KIRKWOOD.

EXECUTIVE CHAMBER, May 27th, 1861.

TO THE HOUSE OF REPRESENTATIVES

MAY 27, 1861

From the Journal of the House of Representatives, p. 119

Gentlemen of the House of Representatives:

I transmit herewith in answer to your resolution of the 24th instant, a letter from me to the Adjutant-General, and his reply with accompanying papers.

It is proper I should make the following statement in further reply to said resolution. The State of Iowa was in many particulars illy prepared to respond to a requisition for troops from the Government of the United States. There was not in the State any military organization or any efficient military law. Whilst the laws provided ample directions and ample aid for carrying on all the branches of the civil service, the Executive was left substantially without direction or assistance to meet any emergency in military affairs.

I had not even a private Secretary, the appropriation for that purpose, having with my own consent been withheld at the last Session.

Upon receiving information that a requisition had been made on this State by the President, I proceeded at once to Davenport in order to have the advantage of the Telegraph at that place, in organizing troops to meet the requisition. I was compelled to return to Iowa City on two or three occasions, and to go once to Burlington. Soon after issuing my proclamation, tenders of services from companies and individuals, and letters of inquiry and advice came in upon me from different parts of the State, and personal calls were

made upon me to such an extent, as to demand my entire time and the services of several gentlemen who at different times kindly volunteered to aid me. As there was not any law pointing out the person to whom rolls of companies should be sent, some were sent to the Adjutant-General at Iowa City, some sent directly to me. During my temporary absences from Davenport, these with other letters would accumulate, and upon my return it was impossible for me to determine which was first in order of receipt. There was not any law requiring such priority to be noted had it been in my power to do so or giving any preference to those who could claim such priority, or determining in cases of disputed claims to priority, whether such claim should be settled, by the date of the letters, making such tender, or of the receipt of such letters.

As soon as sufficient tenders of service had been made, I organized the 1st and 2d Regiments, and as I did not expect any further call for some time, devoted my time wholly so far as attending to my correspondence and receiving visitors would allow, to preparing the 1st Regiment for service, to providing for the subsistence and discipline of the 1st and 2nd Regiments, to the transfer of arms to the Southern and Western borders, and to efforts to procure arms for the State. Muster rolls of companies were received and laid aside without further attention than was necessary to know their contents, and subsequently several at a time, were passed over to the Adjutant. Several of them are yet in my possession at Iowa City, with a portion of the letters received by me since I received notice of the requisition for troops. I have found one such roll among those of my let-

ters brought to this place, that of Captain Trumbull, of Cedar Falls Company, which I append marked A. I make the foregoing statement to show that it is impossible for me to give you the dates at which the many rolls of companies were received. I intended to and think I did organize the 1st and 2d Regiments, out of the Companies first tendered, with the exception of the company of R. G. Herron of Dubuque. His company although the first company tendered under the call, was, through a combination of circumstances kept out of both the 1st and 2nd Regiments, for which reason I felt bound to give it a place in the 3d, as the 1st and 2nd Regiments had from the manner in which they were made up, been taken almost entirely from one portion of the State, and as other portions of the State which had not the advantages of railroads and telegraphs, had raised and tendered fine companies as soon as they received the call, I felt myself at liberty in the absence of all law on the subject to disregard priority of tender of service, and to make up the 3d Regiment so as to give to the portions of the State unrepresented in the 1st and 2d Regiments, the opportunity to be represented in the 3d and did so, but I think I cannot be mistaken in saying that no company was placed in that Regiment, the muster roll of which had not been sent either to the Adjutant General or myself. In some cases in the 1st and 2nd, and perhaps in the 3d Regiment new rolls were made out when the companies went into quarters, and were sworn into the service. Several companies not received in either of the three Regiments, particularly those at Newton, Sigourney, Marengo, Tipton, Delhi, Chariton and perhaps others, have spent much of

both time and money in drilling, and some of them for uniforms, and I suggest the propriety of an appropriation for their benefit to cover their loss.[1]

SAMUEL J. KIRKWOOD.

EXECUTIVE CHAMBER, DES MOINES,
May 27th, 1861.

TO THE SENATE

JANUARY 18, 1862

From the Journal of the Senate, p. 68

EXECUTIVE OFFICE, IOWA, January 18, 1862.

To the President of the Senate:

In compliance with the resolution of the Senate, passed on yesterday, I transmit herewith the report made to me by Charles Mason, Commissioner appointed to negotiate with the General Government, in relation to the Des Moines River Land Grant.

I also transmit copies of the reports made to me by the Board of Trustees, Superintendent, Steward, Board of Commissioners and Building Superintendent of the Lunatic Asylum, and by the Warden, Clerk, Physician and Chaplain of the Penitentiary.

SAMUEL J. KIRKWOOD.

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[1] The letter of the Adjutant-General is found in the Journal of the House of Representatives in connection with this message.

TO THE SENATE

JANUARY 20, 1862

From the Journal of the Senate, p. 75

EXECUTIVE OFFICE, IOWA, January 20, 1862.

To the President of the Senate:

In compliance with the resolutions of the Senate passed this day, I inform you that the Board of Commissioners appointed at the Extra Session of the General Assembly, 1861, to audit claims against the War and Defense Fund, have not made any report to me. Also that on the evening of the 18th inst., the Emigrant Commissioner delivered to me his report which I herewith transmit.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1862

From the Journal of the House of Representatives p. 79

EXECUTIVE OFFICE, IOWA, January 20th, 1862.

To the Speaker of the House of Representatives:

I transmit to the body over which you preside, copies of the reports of the Warden, Clerk, Physician and Chaplain of the Penitentiary, of the Board of Trustees, Superintendent, Steward, Board of Commissioners and Building Superintendent of the Insane Asylum, and of the Commissioner of Immigration.

SAMUEL J. KIRKWOOD.

TO THE SENATE

JANUARY 20, 1862

From the Journal of the Senate, p. 75

EXECUTIVE OFFICE, IOWA, January 20, 1862.

To the President of the Senate:

I transmit herewith the resignation of Hon. P. P. Henderson of the office of Senator of the district composed of the county of Warren, made to me at its date, January 15, 1862. By law the resignation should have been made to you, and I now transmit it to you, that such action may be taken by yourself or the body over which you preside, as to you or them may seem advisable.

SAMUEL J. KIRKWOOD.

DES MOINES, IOWA, January 13, 1862.

To his Excellency, Governor of Iowa:

The undersigned would respectfully tender his resignation of the office of Senator of the Senatorial District composed of the county of Warren.

P. P. HENDERSON.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1862

From the Journal of the House of Representatives, p. 110

EXECUTIVE OFFICE, IOWA, January 21, 1862.

To the Speaker of the House of Representatives:

I transmit herewith, for the body over which you preside, a copy of the report of the agents appointed at the Extra

Session, 1861, of the General Assembly, to negotiate a State Loan. Also a copy of the Report of the Executive Committee of the State Historical Society.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1862

From the Journal of the House of Representatives, p. 125

EXECUTIVE OFFICE, IOWA, January 22d, 1862.

To the House of Representatives:

In compliance with your resolution passed on the 21st instant, requesting me to inform you "whether the officers in command of the Regiments of Iowa Volunteers now in the field, were elected according to law by the men comprising said Regiments, and if not, by whom such officers were appointed," I have the honor to inform you that the company and field officers of the first and second regiments of Infantry and the company and part of the field officers of the first Regiment of Cavalry, were elected by their respective regiments, and that all other field and company officers have been appointed by me as Governor.

In the organization of companies for Regiments other than the first and second Infantry and first Cavalry, elections have generally been held by the companies for company officers, and I have appointed the person thus designated. In all cases of vacancies occurring in the field or company offices of a Regiment in the field, I have made appointments to fill such vacancies.

The language of your Resolution seems to imply that the appointment of officers for the Iowa Regiments, otherwise than by election by the men composing them, is, in the judgment of your body, not "according to law." As I have made many such appointments, and supposed I was acting lawfully in so doing, it seems to me to be just and proper I should indicate to you the authority under which I acted, and my reasons for believing that authority to be valid.

Early in the month of May, 1861, I received from the War Department General Order No. 15, dated May 4, 1861, presenting the organization of Volunteer Regiments for United States service, and providing, among other things, that "the Commissioned officers of the Company will be appointed by the Governor of the State furnishing it, and the Non-Commissioned officers, until the Company shall be embodied in a Regiment, will be appointed by the Captain, afterwards by the Colonel on recommendation of the Captain....

"The field officers of the regiment will be appointed by the Governor of the State which furnishes the regiment." By section 4th, chapter 9th, of the Acts of Congress, passed at the extra session, 1861, and approved July 22d of that year, it is provided as follows: "The Governors of the States furnishing Volunteers under this act, shall commission the Field, Staff and Company officers, requisite for the said volunteers; but in cases where the State authorities refuse or omit to furnish Volunteers at the call or on the proclamation of the President, and Volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services,

and to commission the proper Field, Staff and Company officers."

Section 10th of the same Chapter provides, "And when vacancies occur in any of the Companies of Volunteers, an election shall be called by the Colonel of the Regiment to fill such vacancies, and the men of each Company shall vote in their respective Companies for all officers as high as Captain, and vacancies above Captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective Governors of the States, or by the President of the United States."

By section 3d, chapter 57th, of the Acts of Congress at the same session, approved August 6th, 1861, it is provided "that vacancies hereafter occurring among the commissioned officers of the volunteer regiments shall be filled by the Governors of the States respectively, in the same manner as original appointments, and so much of the tenth section of the Act approved July 22d, 1861, as is inconsistent herewith, be and the same is hereby repealed."

This order and these laws are the authority under which I have acted in making the appointments that have been made by me. Their validity has, I believe, been recognized and acted on by every loyal State in the Union. I know it is claimed by some, that the troops raised under these laws of Congress, are yet the militia of the States by which they have been raised, and that I might have raised this question with the United States authorities, and refused to raise volunteers in this State unless they were allowed to elect their own officers. But I did not do this, for the reason that the

authorities of the United States are bound by the laws of the United States, and can receive such troops only as are organized in accordance with these laws. Had I tendered troops organized and officered contrary to the laws of the United States, the officers of the United States could not have accepted them, and the State must have been placed in the discreditable attitude of having refused to furnish the troops called for by the President, and having such troops raised and commissioned in the manner provided "in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President." I determined our State should not be placed at this time in such attitude by my action, and have accordingly furnished the troops called for from this State, organized and officered in the manner prescribed by the laws of Congress. Our young men have promptly volunteered to fill up the regiments called for under these laws; thus consenting to the officering of the regiments in the manner therein provided. They have appeared to be less anxious in regard to the manner in which their officers should be appointed, than to have the privilege of serving their country in its need.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1862

From the Journal of the House of Representatives, p. 127

EXECUTIVE OFFICE, IOWA, January [22d] 1862.

Gentlemen of the House of Representatives:

I have received from you the following resolution:

"*Resolved*, That His Excellency, the Governor of the State of Iowa, be requested to furnish information to the House of the number of acres of land he has certified to the Secretary of the Interior, that each of said roads is entitled to, up to date, by virtue of an Act of Congress, approved May 15th, 1856, entitled, 'An Act making a grant of lands to the State of Iowa, in trust, to aid the construction of certain Rail Roads therein mentioned, and also how many continuous miles each of said Roads has completed, and in good running order.'"

In reply thereto, I have the honor to inform you that in the month of October, 1860, I certified to the Secretary of the Interior that the Mississippi and Missouri Railroad Company had completed the fourth twenty miles of said road westwardly from Davenport, whereby said Company became entitled to one hundred and twenty sections of land; that about the first day of January of the present year, I further certified to the Secretary of the Interior that said Company had completed the fifth twenty miles of said Road westwardly from Davenport, and thereby became entitled to one hundred and twenty sections more of said land; that on the 8th day of March, 1860, I certified that the Dubuque and Pacific Railroad Company had completed the fourth,

and on the 25th day of April, 1861, that said Company had completed the fifth twenty miles of said road westwardly from Dubuque, and that for each of said twenty miles of said Road, said Company became entitled to one hundred and twenty sections of land. These are all the certificates that have been issued by me to any of said Railroad Companies.

Evidence was presented to me in September last, that the Cedar Rapids and Missouri River Railroad Company had then completed forty miles of its Road westwardly from Cedar Rapids, and had the same in running order; but I could not make the necessary certificate, for the reason that said Company had not built the Roads from Marion to Cedar Rapids, and from Lyons to Clinton, which, by the terms of the law granting lands to said Company, must be completed before any certificate can issue.

There have been certified to the Dubuque and Pacific Railroad Company, and to the Mississippi and Missouri Railroad Company each seven hundred and twenty sections of land. This includes the lands certified by me as above set forth, and those certified by my predecessors.

I have not certified any lands for the Burlington and Missouri Railroad Company, and cannot find in the office of the Secretary of State, evidence of the amount certified for said Company before the commencement of my term of office.

I have official information that the Dubuque and Pacific Company have completed one hundred miles of their Road; the Mississippi and Missouri Company one hundred miles of their Road; and the Cedar Rapids and Missouri Company forty miles of their Road. I have not official information of the number of miles of Road completed by the Burling-

ton and Missouri Company, but know as a matter of fact, that it is completed to Ottumwa, a distance of about seventy-five miles westwardly from Burlington.

Permit me to call your attention in this connection, to a question of importance connected with all the Railroad Companies. All of them have failed to comply strictly with the terms of the law by which they become recipients of the lands granted to this State for Railroad purposes. It is for the General Assembly to say what effect, if any, this failure shall have on their rights, under the law. The last General Assembly did not see fit to take any action in the case of the Mississippi and Missouri Company then in default, and I felt myself compelled to regard that want of action as a waiver for the time of a strict compliance with the law, and accordingly, since the close of that session, have certified for said Company the completion of their fourth and fifth twenty miles of road, although they were not completed within the times named in the law.

I would much prefer that you would take such action as would relieve me for the future from all doubts as to my duty on this point.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1862

From the Journal of the House of Representatives, p. 155

EXECUTIVE OFFICE, IOWA, January 25, 1862.

Gentlemen of the House of Representatives:

I received on yesterday the accompanying memorial from

the officers of the 8th Regiment Iowa Volunteer Infantry, and transmit the same for your consideration.

It will afford me great pleasure to co-operate with you in any plan you may adopt for the removal of the grievances therein set forth. SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1862

From the Journal of the House of Representatives, p. 156

EXECUTIVE OFFICE, IOWA, January 25, 1862.

Hon. Rush Clark, Speaker of the House of Representatives:

In answer to a resolution that recently passed the body over which you preside, requesting me to "transmit the names of members who may have been commissioned or received pay as officers in the army," I have the honor to transmit to you the enclosed letter from me to the Adjutant General, and his reply.[1] SAMUEL J. KIRKWOOD.

TO THE SENATE

JANUARY 31, 1862

From the Journal of the Senate, p. 125

EXECUTIVE OFFICE, IOWA, January 31, 1862.

Gentlemen of the Senate:

In response to your Resolution asking me "whether there is any District Attorney of this State a commissioned officer

[1] These letters are given in connection with the message in the Journal of the House of Representatives, p. 156.

in any Company of Iowa Volunteers, if so, how many, and when commissioned? and, also, whether there are any members of the Senate so commissioned?" I have the honor to inform you that P. Gad Bryan, District Attorney for the Fifth Judicial District, holds the commission of Captain in the First Regiment of Iowa Volunteer Cavalry, said commission bearing date of the 23d day of September, 1861. That William P. Hepburn, District Attorney for the Eleventh Judicial District, holds the commission of Major in the Second Regiment of Iowa Volunteer Cavalry, said commission bearing the date of the 14th day of September, 1861. That John Scott, elected October, 1859, to the Senate, now holds the commission of Lieutenant Colonel in the Third Regiment of Iowa Volunteer Infantry, bearing date in the month of June or July, 1861. That Cyrus Bussey, elected October, 1859, to the Senate, how holds the commission of Colonel of the Third Iowa Volunteer Cavalry, bearing date of the 26th day of August, 1861. That P. P. Henderson, elected to the Senate, October, 1859, now holds the commission of Captain in the Tenth Regiment of Iowa Volunteer Infantry, bearing date on the 24th day of September, 1861. That William E. Taylor, elected to the Senate in October, 1859, now holds the commission of Captain in the Fourth Regiment of Iowa Volunteer Infantry, bearing date in the month of July, 1861; and that J. H. Powers, elected to the Senate in October, 1859, now holds the commission of Captain in the Ninth Regiment of Iowa Volunteer Infantry, bearing date on the 13th day of September, 1861.

On the mistaken supposition that Mr. Hepburn had resigned the office of District Attorney for the Eleventh

Judicial District, a proclamation was issued for an election to fill the supposed vacancy at the regular election in October last, and D. D. Chase, Esq., was elected.

After the action of your body declaring the seats of John Scott and Cyrus Bussey vacant, by reason of their having accepted the above named commissions, I issued on the 21st day of January instant proclamations to fill these vacancies and also the vacancies caused by the acceptance by P. P. Henderson, William E. Taylor and J. H. Powers of their commission.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1862

From the Journal of the House of Representatives, p. 221

EXECUTIVE OFFICE, IOWA, February 6, 1862.

Gentlemen of the House of Representatives:

In compliance with your Resolution requesting me to "communicate to you all the information in my possession in reference to the Rebels of Missouri taking refuge for themselves and property in Fremont County, Iowa, and the trouble arising therefrom, or so much thereof as I may deem to be consistent with the public interest," I have the honor to transmit the following papers:[1]

"I."—Copy of letter from citizens of Fremont County, to me, dated January 8, 1862.

[1] For full copies of these letters see Journal of the House of Representatives, p. 122.

"II."—Copy of letter from me to Lieut. Col. Nutt, dated January 8, 1862.

"III."—Extracts from his letter in reply, dated January 17, 1862.

"IV."—Copy of letter from me to Lieut. Col. Nutt, dated January 14, 1862.

"V."—Extracts from his letter in reply, dated January 24, 1862.

"VI."—Copy of letter to me, from Board of Supervisors of Fremont County, dated January 10, 1862.

"VII."—Copy of my reply, dated January 18, 1862.

The foregoing papers contain all the official information on the subject indicated in your Resolution, and they tend to establish the following facts:—

First—That a number of rebels or of aiders and abettors of Rebellion in Missouri, have fled from that State to escape the punishment justly due for their crimes there, and have sought safety and asylum for themselves and their property in this State.

Second—That these persons and their property have been received and protected in this State by persons who, to a greater less degree, sympathize with them; and

Third—That these facts produced the late unlawful attack on Mr. Fugett, in Fremont County, out of which grew the subsequent unlawful arrest by some of our citizens of citizens of Missouri in this State.

There cannot, I think, be any doubt that persons from Missouri, who have either openly or secretly aided rebellion in that State, have fled to this State with their property to escape punishment, and that the presence of these persons

and their property in this State was the cause of the recent unlawful acts in Fremont County. The only point upon which there can be any doubt is whether persons in our own State sympathize with them, and afford them asylum and protection.

As cumulative to the evidence on this point contained in the papers transmitted, I submit the following, received by me from private sources, upon which I confidently rely:

"During the last part of Summer and Fall the Rebels in Atchison County, Missouri, committed many outrages on the Union men in that County. The Union men, unable to protect themselves, sent to the Union men of Fremont County for help, and at their urgent solicitations a Company of Union men from Fremont County, under command of Captain Day of that County, went to their assistance and rendered good service. When this Company was about leaving to render assistance to the oppressed Union men of Missouri, certain persons in Fremont County protested against the movement in the strongest terms, and discouraged it as much as they possibly could. Many of the men who did so are the same men who now afford asylum to the Rebels from Missouri with their property, the same men who recently, themselves, unlawfully invaded Missouri and made arrests of Union men there."

It seems to me very evident that persons who oppose the going of our people to the assistance of the Union men of Missouri when they are in danger and ask assistance, who afford asylum and protection to fleeing Rebels and their property, and who are yet eager to enter Missouri to make unlawful arrests of Union men there, are at the least of very doubtful loyalty.

These facts are of grave importance and demand your careful consideration. If the condition of affairs now existing in Fremont County is permitted to continue there, and to obtain in other border Counties, it is scarcely possible that the peace of those Counties can be preserved.

Men in Missouri whose persons and property have been outraged by Rebels there who have fled or may flee to our State, will seek to right their wrongs by the strong hand, if those who have wronged them are within striking distance, and cannot be reached any other way. This, of course, cannot be permitted, but must be guarded against and prevented by the proper authorities, so far as possible. But, it will be impossible in many cases to guard against and prevent it, and then retaliation and reprisals from our State will follow, and there will be seen the strange spectacle of a border warfare between the loyal people of Iowa and the loyal people of Missouri, for the sake of a band of Rebels and Traitors.

The safety of our people in the border Counties, and the good name of our State, alike demand that this condition of affairs shall not be permitted to exist. The law-making power of the State should in my judgment, go to the extreme verge of its power in guarding against it, and you may rest assured that I will, so far as in me lies, execute to the letter any laws you may enact, directed to that end.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1862

From the Journal of the House of Representatives, p. 277

EXECUTIVE OFFICE, IOWA, February 11th, 1862.

Gentlemen of the House of Representatives:

I have the honor to transmit for your consideration, copies of a report and an account received by me from James Hall, who has made the Geological Survey of this State, so far as the same has been completed.[1]

SAMUEL J. KIRKWOOD.

TO THE SENATE

FEBRUARY 12, 1862

From the Journal of the Senate, p. 185

EXECUTIVE OFFICE, IOWA, February 12, 1862.

Gentlemen of the Senate:

I transmit herewith the report of J. C. Hughes, M. D., Surgeon General of this State. I transmit the original report for the reason that much time would be required to make copies for each House, and the business of this office is just now so pressing as to render it impracticable without great delay. I trust you will take such action in regard to the Report as will furnish a copy to the House of Representatives, and as will return the original to the file of this office.

[1] Mr. Hall's communication is given in full in the Journal of the House of Representatives, p. 278.

I recommend that all officers who are required to send reports to this office be required to send three copies, one for the files of the office, and one for each House. When but one copy is sent much delay usually occurs in making copies for the use of the Houses, and an amount of labor in making copies is thrown upon the office that is very inconvenient and inappropriate. When as in this case the original is sent to either House, it most frequently happens that it is sent to the State Printer and never returned, so that the files of the office are incomplete, and there is not any means of referring to the original for the correction of the typographical errors in the printed copy.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1862

From the Journal of the House of Representatives, p. 369

EXECUTIVE OFFICE, IOWA, February 18th, 1862.

Gentlemen of the House of Representatives:

I transmit herewith a memorial from the Second Regiment Iowa Volunteer Infantry, in regard to the clothing furnished said Regiment by the State.

The clothing provided for the First Regiment under Joint Resolution of the two Houses at the Extra Session was not received until the Regiment was on the march to St. Louis after the battle at Wilson's Creek to be mustered out of service, and as I understand was not charged to the Regiment by the United States when the Regiment was paid off.

I have learned outside this memorial that the opinion prevails through the Second and Third Regiments that the clothing was intended by the State as a present, and that considerable dissatisfaction exists because pay for the same has been deducted by the United States Paymasters.

The matter is wholly within your control, and I submit it for such action as you may deem advisable.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1862

From the Journal of the House of Representatives, p. 366

EXECUTIVE OFFICE, IOWA, February 19, 1862.

Gentlemen of the House of Representatives:

In compliance with your resolution inquiring "in what kind of funds the $80,000 refunded by the United States to this State, were paid by the United States, whether the same funds were paid into the State Treasury, and if not, why not, and by what authority," I have the honor to inform you that the funds received by the State from the United States were in United States Demand Treasury Notes and only a portion of the same funds were paid into the State Treasury, the balance being paid in Warrants on the "War and Defense Fund" of this State—that this was done with my knowledge and consent, and by my advice and by my authority, and for these reasons:

The law creating the "War and Defense Fund" does not require that warrants issued thereon shall be paid in the

order of their issuance, and it is only by insisting that the General Assembly in enacting that law intended to do what they did not do, that such requirement can be made operative, unless it shall be contended that the provisions of the law regulating the issuing and paying of Warrants on the ordinary revenue shall apply to the War and Defense Fund.

When the call was made on this State for troops under the proclamation of the President asking for seventy-five thousand men, it became necessary for me to expend money, in raising such troops, without authority of law, if I could procure the money for that purpose. In the emergency our chartered banks and some individuals placed money at my disposal, which I used. During the Extra Session, I contracted with Samuel Merrill, of Clayton County, for uniforms for the 1st, 2d and 3d Iowa Regiments, agreeing to pay him therefor as soon as our State bonds should be sold. The General Assembly had required me to pay our 1st, 2d and 3d Regiments for the time between their being ordered into quarters and their being mustered into the United States service, and the men needed the money. Hiram Price, Esq., of Davenport, and Ezekiel Clark, Esq., of Iowa City, borrowed about $25,000, individually, and placing this in their hands, with other funds I had procured, I sent them to Missouri to pay our troops. Hon. C. Baldwin, of Council Bluffs, had used his means and credit largely at that point for the State and was inconvenienced thereby. When I received from the United States the $80,000, the State was largely indebted to Mr. Price and Mr. Clark for money advanced by them for the use of the State, and the moneys so advanced by them were among the first expenditures made by the State.

Mr. Merrill had furnished uniforms to our troops, our bonds would not sell, and he was likely to suffer heavily if not to be ruined by delay. I did not and do not believe the law required the Warrants on the War and Defense Fund to be paid in the order of their issuance, and I determined to apply this sum of $80,000 to paying the persons named all or most of what was due them, because the moneys expended by them were among the first expended, and because the amounts were so large as to make delay seriously inconvenient.

The reason this intention was not carried out was this: The money never actually came into my hands. I appointed Mr. Clark agent to go to Washington and receive this money and pay it into the State Treasury. I had heard that the State Treasurer was of opinion that he was bound to pay Warrants on the War and Defense Fund in the order of their issuance, and when Mr. Clark started to Des Moines to pay the money into the Treasury, I agreed to meet him there and endeavor to arrange the matter with the Treasurer. Mr. Clark reached Des Moines in the morning and I in the evening of the same day. When I met him he informed me he had seen the State Treasurer who said to him he would receive and receipt for whatever he (Clark) might pay over. On the next morning I went with Clark to the Treasurer's Office, and Clark then paid in his warrants and the balance of the money and left the city on the same morning on a trip East. I did not know until some time after on that day that the Treasurer would absolutely decline to pay out the money except on the warrants in their regular order. I endeavored to convince him he was

in error as to the law and proposed to leave with him in writing my opinion, that he had authority to pay out the money according to his best judgment of what the interest of the State and justice to creditors required, and my advice to take that course. He was, however, fixed in his opinion and there the matter ended. Had it not been for this the balance of the $80,000 would have been paid to Mr. Price and Mr. Merrill, as I learned that Judge Baldwin had used his warrants as best he could to relieve himself. I have said and I repeat that in my opinion the law does not require warrants on the War and Defense Fund to be paid in the order of their issuance and such mode of payment has worked great hardship and injustice to individuals. The order in which warrants are issued depends upon the action of the Auditing Committee, and it has not been the case that the debts first contracted by the State were first audited. This was not the fault of the Auditing Committee. They were necessarily compelled to commence at some point, and did commence at Keokuk. It thus happened that many of the debts first contracted by the State to individuals and to large amounts were not audited until long after others of more recent date, and yet under this construction of the law the first creditor of the State is postponed to the second or third. Besides, in practice, the warrants issued on the ordinary revenue fund are not in all cases paid in the order of their issuance. It has been the uniform practice to pay warrants for the salaries of officers and the per diem and mileage of members of the General Assembly without reference to their date of issuance. Under this practice a considerable sum of money is now retained in the

Treasury to pay the expenses of the General Assembly, although there are warrants now outstanding more than sufficient to absorb the whole amount. If this be the practice under the law prescribing the order in which warrants shall be paid, it is difficult to understand why an equally liberal rule may not obtain in proper cases under a law which does not prescribe any order, and it may also be difficult to establish the assertion that the claims of persons who have advanced large amounts of money to the State during the present emergency are not as meritorious and as worthy of preference as the salaries of State Officers or members of the General Assembly.

Justice to Mr. Clark who has paid in his warrants requires that I should state the fact that every dollar of the warrants paid in by him was for money advanced by him on the bank of which he is an officer, and it was in my judgment unreasonable a single citizen should be expected or required to carry such an amount under such circumstances.

I have but two subjects of regret in connection with this matter—one that the person by whom these warrants were paid in was not a stranger instead of a relative—the other that I did not retain the amount in my hands and apply the balance to paying Mr. Price and Mr. Merrill. This I certainly would have done had I known that after the money is once placed in the Treasury it could not be so applied.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

March 17, 1862

From the Journal of the House of Representatives, p. 597

Executive Office, Iowa, March 17, 1862.

Gentlemen of the House of Representatives:

I herewith transmit a copy of a recent Act of Congress providing for the appointment, by the President of the United States, of three Commissioners for each State having troops in the Federal army to visit such troops and procure from them such allotments of their pay as they may desire to send to their families or friends at home.

You will perceive that the United States will not pay three Commissioners; and in order that the very desirable object of their appointment may be secured, it is necessary that provision for the payment be made by the General Assembly.

I recommend the matter to your early and favorable consideration.

The President has appointed as Commissioners, Rev. A. J. Kynett, Thomas French, Esq., and Rev. E. C. Byam.

Samuel J. Kirkwood.

TO THE HOUSE OF REPRESENTATIVES

March 18, 1862

From the Journal of the House of Representatives, p. 625

Executive Office, Iowa, March 18, 1862

Gentlemen of the House of Representatives:

I herewith transmit copy of a letter this day received by

me from Hon. W. W. Hamilton, in regard to the requirement of the Rail Road "Land Grant Act" which requires the roads built under it to be equal to the average of first class roads elsewhere.

The suggestions therein contained deserve careful, serious, and in my judgment, favorable consideration. They seem to be sensible and practical.[1]

SAMUEL J. KIRKWOOD.

TO THE SENATE

MARCH 24, 1862

From MS. Copy of Executive Journal, Vol. II, p. 118—in the Office of the Governor, Des Moines

EXECUTIVE OFFICE, IOWA, March 24, 1862.

Gentlemen of the Senate:

In compliance with your resolution passed on the 5th inst. I have the honor to submit account of expenditures made by me of the appropriation at the extra session 1861 for Extraordinary expenses of this office as follows.

Statement of fund appropriated for extraordinary expenses of Executive Department, Extra Session 1861.

Amount appropriated,.....	$10,000.00
Donated by John Byers for Amana Society, Iowa County,.....	200.00
Total amount	$10,200.00

[1] For a full copy of this letter see Journal of the House of Representatives, p. 625.

Amount expended.	
Paid John Edwards for his services as aid to Governor,	$550.00
Paid Cyrus Bussey on services as aid to Governor,	250.00
Paid C. Baldwin on services as aid to Governor,	250.00
Paid to aid building telegraph line from Burlington to Keokuk	500.00
Paid H. M. Hoxie travelling expenses two trips to southern part of State on public business,	50.00
Paid Expenses of self to and at Keokuk,	35.50
Paid Stationery & furniture for office at Iowa City,	18.25
Paid Chas. Pomeroy special messenger,	10.00
Paid Advertising sale of State Bonds in Journal of Commerce,	41.80
Paid same in Boston Atlas,	71.50
Paid same in New York Tribune,	146.00
Paid same in Chicago Tribune,	38.00
Paid same in Boston Post,	77.38
Paid same in New York Times,	168.00
Paid Telegraphing,	70.40
Paid Advance to M. L. Fisher,	50.00
Paid Expense to James & Fisher for bond,	164.40
Paid Telegraphing,	95.14
Paid Telegraphing,	50.73

Paid A. J. Kynett for Sanitary commission,	100.00
Paid S. Herschell expenses to New York & return in connection with the sale of State Bonds,	93.10
Paid Postage at Davenport Adj't Genl. office,	84.19
Paid Express charges,	18.45
Paid Express,	6.00
Paid Express,	18.80
Paid N. H. Brainerd Military Secretary,	225.00
Paid A. J. Kynett Sanitary Commission,	200.00
Paid Flag 2d Iowa Cav'ly to get flag 1st Iowa Inf'y,	35.00
Paid A. J. Kynett Sanitary Commission,	100.00
Paid E. Sells expenses to New York,	130.00
Paid William Smyth expenses to Washington,	140.63
Paid Rev. Fuller Chaplain 1st Regt Iowa Inft'y,	20.00
Paid G. W. Dodge, part expenses to Washington,	100.00
Paid Expenses of self to New York & Washington, including telegraphing,	225.00
Paid Expenses of self to Washington and Philadelphia, including telegraphing,	215.00

Paid Expenses of self travelling in this State,	175.50	
Paid Procuring information in regard to condition of our Southern Border,	500.00	
Paid Expenses of self and party to Fort Donelson,	333.00	
Paid Cash to Dr. Orr sent to Arkansas to look after wounded in Gen. Curtis' Army,	1,000.00	
Paid Postage bill at Davenport	43.80	
Balance unexpended,	3,797.93	
	$10,200.00	$10,200.00

Some explanation may be necessary for some of these items. The expenditure for the telegraph to Keokuk was in my judgment absolutely necessary—That portion of our State was repeatedly threatened by the rebels & it seemed to me there could not be any doubt of the propriety of putting it in telegraphic communication with the rest of the State when it could be done so cheaply. The sums paid to the newspapers named were for advertising the State loan—Money to pay for these advertisements could not be had otherwise and I had to pay it from this fund.

There are some charges against the fund not paid. I owe my military secretary some, also to Lieut. Col. Nutt, my aid at Council Bluffs for services and expenses this winter in Fremont and Atchison County Mo. in connection with the troubles there. I have telegraphed to the sanitary commissioner at Cincinnati Ohio to send our sick and wounded men there home and do not know what the expense will be.

There is I believe a small amount not yet paid of the expense to Fort Donelson. And there may be some items not now remembered. A portion of the amount in my hands unexpended is in warrants on the War and Defense fund. Hiram Price when engaged in subsisting the large amount of troops in Camp McClellan was at one time much embarrassed for funds. He could not sell his warrants at fair prices and not then having immediate use for the money I advanced some to him taking warrants in lieu. I still have them but hope your legislation on that subject will have the effect of enabling me to use them at par. It is perhaps unnecessary I should say I gave him for them in money the par value of them. It is difficult to fix the amount for such extraordinary expenses for the future. You have already placed three thousand dollars of it for the Sanitary Commission. Future battles in which our troops may be engaged will require expenditures and it is impossible to know how frequent such occasions may be and what amounts may be needed. I may have to go or send to Washington in connection with the settlement of our claim against the General Government and contingencies now not expected may arise.

The whole matter is left in your hands with the confident assurance that you will do what in your judgment the public interests may require.

SAMUEL J. KIRKWOOD.

(A Message similar to the above was sent to the House)

TO THE SENATE

MARCH 26, 1862

From the Journal of the Senate, p. 479

EXECUTIVE OFFICE, IOWA, March 26, 1862.

Gentlemen of the Senate:

In answer to your resolution requesting me to inform you—

First—What amount of lumber was purchased at Iowa City for the accommodation of the Volunteers quartered there, and what amount was paid, or contracted to be paid for the same;

Second—Whether said lumber has been sold, and if so, to whom and for what amount;

Third—What notice was given that said lumber would be sold, and on what day and what time in the day the lumber was sold;

I have the honor to reply, that I have not any personal knowledge of any of the facts involved in your inquiry except that some lumber had been bought for the purpose indicated. In order to procure full information, I addressed to Thomas W. Banbury, of Iowa City, who acted on behalf of the State as Quartermaster for the troops quartered there, the following letters to the first of which I did not receive any reply. His answer to the second letter gives all the information on the subjects, covered by your resolution, that is in my possession.[1]

SAMUEL J. KIRKWOOD.

[1] These letters are given in full in the Journal of the House of Representatives, p. 479.

TO THE HOUSE OF REPRESENTATIVES

APRIL 2, 1862

From the Journal of the House of Representatives, p. 823

EXECUTIVE OFFICE, IOWA, April 2, 1862.

Gentlemen of the House of Representatives:

In compliance with your Resolution requesting me to communicate to you the condition of the wounded and sick soldiers of the Iowa Regiments that I had an opportunity of visiting during my recent visit to Fort Donelson, and such other information as I might deem of interest, I have the honor to transmit a letter from me to Surgeon-General Hughes, who accompanied me, and his reply, which conveys the information sought.

SAMUEL J. KIRKWOOD.

EXECUTIVE OFFICE, IOWA, March 26, 1862.

JOSEPH C. HUGHES, M. D.,

Surgeon-General of Iowa:

Sir:—Herewith please find copy of Resolution passed by the House of Representatives, asking information concerning the condition of the Iowa sick and wounded soldiers, as found by the Commission recently sent for that purpose.

Please furnish me such information as will answer the inquiry, in such form as I may transmit to the House of Representatives.

Very respectfully,

SAMUEL J. KIRKWOOD.

DES MOINES, IOWA, March 28, 1862.

GOVERNOR KIRKWOOD:

Dear Sir:—Your favor of March 25th, asking information in relation to the condition of our Iowa troops after the battle of Donelson,

has been received. In answer, permit me to say, that, in company with the Commissioners appointed by yourself, under a Joint Resolution of both Houses of our General Assembly, I visited Fort Donelson and the Hospitals to which most of our wounded soldiers had been sent. Taking the most rapid means of conveyance, we arrived at Cairo on the 23d day of February, one week after the battle. On our arrival we learned that a boat loaded with wounded soldiers had just been reported to head-quarters, and in company with the Commission and several Medical gentlemen from our State, I repaired to the boat and assisted in dressing many of our own wounded, as well as those from other States. While the Medical gentlemen of the Commission were thus engaged, the other members were securing passes, in order that those of our brave boys who were able to return home might be sent off immediately. This done, we repaired to the several Hospitals of Cairo and to Mound City.

To the latter place most of our wounded had been sent. After visiting the bed-side of every Iowa soldier and rendering them such assistance as required, three of our Medical gentlemen, viz.: Drs. Udell, Brownell and Woodruff, were left in charge, and in company with yourself we proceeded to Paducah, Kentucky. In the Hospitals at this point we found several of our Iowa soldiers, who were well cared for by the Surgeons in charge. Arrived at Donelson on the 26th, where we found the Second, Seventh, Twelfth and Fourteenth Regiments, those engaged in that memorable battle. All of those seriously wounded, or those having received wounds unfitting them for duty for any length of time, had been sent to the various Hospitals at different points; those remaining, sick or wounded, were well provided for, and the general health of the Regiments good. Diarrhoea prevailed among the troops at this point to a considerable extent, yet our troops were not suffering so severely as those from other States. Most of our men occupied the barracks prepared by the rebel army; although not built with reference to strict sanitary regulations, were comparatively comfortable.

Some of our wounded had been sent to Cincinnati. Those we did

not have an opportunity to visit; but from my knowledge of the Hospital regulations of that city and the hospitality of her citizens, I am satisfied that their every want will be attended to.

On our return we again visited the Hospitals of Mound City, Cairo and Bird's Point, and were pleased to find our sick and wounded provided for, and received all the Medical and Surgical attention their necessities required. Quite a number of our wounded had been sent, in charge of Medical gentlemen from our own State, to the Hospitals of St Louis. Some of those we did not have an opportunity to visit, but have no doubt that the wishes of our Surgeons in charge would be respected, and our wounded properly provided for.

I shall take the earliest opportunity to again visit the sick and wounded of our Regiments, and report to you their condition.

Respectfully submitted,

J. C. Hughes.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

September 10, 1862

From the Journal of the House of Representatives, p. 74

Executive Office, Iowa, September 10, 1862.

Gentlemen of the Senate and House of Representatives:

The burthens of the war now being waged by our people for the preservation of our Government, bear heavily on us, and should be borne as equally as possible. These burthens are of two kinds: First, that of military duty in the field; and second, that of taxation at home. It seems to me to be unequal and unfair that those of us who bear the first of these burthens should be compelled to share with those of us who remain at home the second; that the soldiers

who are fighting our battles in the field should be also compelled to pay their share of taxes equally with those who do not share their perils and privations.

The compensation paid to those of our soldiers who hold commissions is sufficiently liberal to enable them to pay their taxes without inconvenience; but it is not so with their no less worthy but less fortunate comrades. It would, I think, be a just recognition by us, of our appreciation of the patriotism and self-sacrifice of the latter if we were to release them, during their service, from all taxes levied under State laws, and it would doubtless be news of comfort and cheer to them amid the dangers and trials by which they are surrounded for our sakes, that we had been careful that the houses that sheltered their wives and their little ones had been secured from danger of sale for taxes by our voluntary assumption of their share of the one burthen, while they are bravely bearing our share of the other. I therefore recommend to you that you pass a law exempting from all taxation under the laws of the State, the real and personal property of all non-commissioned officers and privates in the Regiments of this State in the Army of the United States, during their continuance in service, and that for the current year there be added to the per centum of taxation upon the valuation of the property of all other tax-payers the sum of one-fourth of one mill on each dollar of such valuation, to cover the deficiency in revenue thereby created.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1862

From the Journal of the House of Representatives, p. 84

EXECUTIVE OFFICE, IOWA, September 10, 1862.

Gentlemen of the House of Representatives:

In reply to your resolution inquiring "how much, if any, of this State's quota of the direct tax levied by an Act of Congress approved August 3d, 1861, entitled An Act to provide for increased revenue, has been paid or discharged since the payment or collection thereof was assumed by the State," I have the honor to reply, that no part thereof has yet been paid in money to the United States.

The claim of the State against the United States for moneys expended by the State to aid the United States in suppressing the rebellion, has been presented for adjustment, but owing to informality in many of the vouchers received by the State, and the necessity of making their vouchers conform to the regulations prescribed by the Treasury Department, the claim has not yet been adjusted. Upon such adjustment, it is probable there will be an amount found due the General Government; but as the State is incurring new expenses of large amounts properly chargeable to the General Government, I have not deemed it advisable to direct any payment as yet.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1864

From the Journal of the House of Representatives, p. 34

Mr Speaker:—I have the honor to transmit, herewith, the Report of the Adjutant General of the State, from January 1, 1863, to January 11th, 1864, inclusive; the Report of the Warden of the Penitentiary; the Reports of the Insane Asylum; the Reports of the Officers of the Deaf and Dumb Asylum; the Report of the Commissioner appointed to superintend the erection of the Blind Asylum; and the Report of the Curators of the State Historical Society.

These Reports are voluminous, and I cannot procure copies for the use of the Senate. I recommend that measures be taken by your House to furnish the Senate written or printed copies.

SAMUEL J. KIRKWOOD.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1864

From the Journal of the House of Representatives, p. 35

Mr. Speaker:—The Agent appointed to select the land donated to the State, for the endowment of a College or Colleges, devoted to the teaching of branches of learning relating to Agriculture and the Mechanic Arts, has made the selections, and has nearly completed the necessary papers connected therewith.

The appropriation made to defray the necessary expenses (one thousand dollars,) has proved insufficient, and it will

be necessary to appropriate the further sum of five hundred dollars to reimburse the agent for the moneys spent by him, and to pay him for his services.

SAMUEL J. KIRKWOOD.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 14, 1864

From the Journal of the House of Representatives, p. 35

Gentlemen of the Senate and House of Representatives:

I have the honor to communicate a statement of expenditures, of the appropriation for extraordinary expenses of the Executive Office, and for Sanitary purposes, since date of my last report, March 24th, 1862:

Balance of appropriation of Extra Session of 1861, on hand March 24th, 1861	$3,797 93
Appropriated Regular Session 1862	10,000 00
Appropriated Extra Session 1862 and placed under my control	10,000 00
Appropriated same session and placed under control of Census Board	20,000 00
Amount returned by Dr. Orr, of $1,000, placed in his hands to aid our soldiers in Gen. Curtis' army	205 83
Donated by the Amana Society of Iowa County, Iowa, for Sanitary purposes	2,000 00
Total of funds	$46,103 76

CR.

By vouchers from 1 to 232, inclusive, filed with Secretary of State, with list of same	$26,323 63	
Amount in treasury undrawn . . .	20,000 00	$46,329 63
Expended more than drawn.		$ 219 87

The vouchers are quite numerous, and their preservation and safe keeping are important, as furnishing the means of settlement with parties who may have claims against, or settlements to make with, the State.

I have therefore deposited them with the Secretary of State, where they will be safe, and at the pleasure of either House.

I have transmitted to the Senate the written report of J. C. Todd, agent for the State at Keokuk. The State has had an agent at Memphis, Joshua Dial, from whom I have not had a written report.

The only permanent agents in the field have been Mrs. Anna Wittenmeyer, appointed by law, and Dr. A. S. Maxwell, appoited by me. Rev. A. J. Kynett has acted as an agent mainly within the State, but at times in the field.

These agents have all done their duty faithfully, and have done much to aid our soldiers.

There are unsettled accounts with all of them, except Mr. Kynett, that can be settled by my successor, and any balances due them, or any of them, paid out of the unexpended balance of the appropriation for extraordinary expenses.

Of the moneys reported as expended by me, over two

thousand dollars were expended to meet the emergency caused by the Indian outbreak in 1862. There was not any other available fund from which the money could be had, and the necessity was imperative. I should have endeavored to have had this money restored to the fund, but found it sufficient without so doing.

Samuel J. Kirkwood.

PROCLAMATIONS AND APPEALS[1]

OFFERING A REWARD

APRIL 23, 1860

From the MS. Copy of Executive Register, Vol. II, p. 56—in the Office of the Secretary of State, Des Moines

Whereas it has been represented to me that on or about the 29th day of March last at Wapello County, Iowa, a young woman supposed to be named *Harvey*, from Rockford Illinois, was murdered, and that the perpetrators of said crime have not yet been arrested. Now therefore I Samuel J. Kirkwood, Governor of the State of Iowa, on behalf of the State of Iowa, do hereby offer a reward of five hundred dollars, for the arrest and delivery of the perpetrators of said crime, to the proper officers in said Wapello County, said reward to be paid upon the final conviction of said persons. Should more than one person have been engaged in the commission of said crime, said reward will be divided in proportion to the number of persons arrested and convicted.

In testimony whereof I have hereunto set my hand

[1] During the period of the Civil War, Governor Kirkwood made frequent appeals to the people for more men and assistance to carry on the war. These appeals were not always sent out as formal proclamations; but it has been deemed proper to include them under this head.

and caused to be affixed the Great Seal of the
L. S. State of Iowa. Done at Des Moines this the 23 day of April A. D. 1860, of the independence of the United States of the 84th and of the State of Iowa the 14th.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,
ELIJAH SELLS, *Secretary of State.*

ON THE GENERAL ELECTION

SEPTEMBER 12, 1860

From MS. Copy of Executive Register, Vol. II, p. 87—in the Office of the Secretary of State, Des Moines

Whereas, by an act of the Seventh General Assembly of the State of Iowa, entitled, "An act revising and amending title IV of Code, and further providing for elections, filling vacancies in office, resignations and contesting elections," Approved March 23rd, 1858, it was made the duty of the Governor, at least thirty days before any general election, to issue his proclamation, designating all the offices to be filled by the vote of all the electors in the State, or by the electors of any Judicial District.

Now therefore I Samuel J. Kirkwood, Governor of the State of Iowa, do, by this my proclamation, publish and declare, that at the next general election, to be held in this State, on the first Tuesday (6th day) of November next, the following offices are to be filled, by vote of all the electors of this State, To wit:

Four Presidential Electors (All to be elected by the people at large)

The Office of Secretary of State.

The Office of Auditor of State.

The Office of Treasurer of State.

The Office of Register of the State land Office.

The Office of Attorney General.

The Office of Judge of Supreme Court, (To fill the vacancy caused by the death of Hon. L. D. Stockton).

One Representative to Congress, in the First Congressional District.

One Representative to Congress in the Second Congressional District.

One Member of the Board of Education in each of the 3rd 6th 7th 9th and 11th Judicial Districts.

Whereof all Citizens and Officers concerned, particularly the Sheriffs of the several Counties, will take notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

L. S. Done at Des Moines this 12th day of September A. D. 1860.

Of the independence of the United States the Eighty fifth and of this State the Fourteenth.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR.

ELIJAH SELLS, *Secy. of State.*

ON THANKSGIVING

October 17, 1860

From the MS. Copy of Executive Register, Vol. II, p. 91—in the Office of the Secretary of State, Des Moines

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A well established and most commendable custom requires that I shall designate a day to be observed by the people of this State, as a day of Thanksgiving to God for his great mercies to us as a people.

We are in the enjoyment not only of the blessings of liberty, safety and peace, common to all the people of our country, but while many of them are suffering the privations of parched fields and a blighted harvest, our own State is filled with abundance, and our granaries groan with fullness.

It is therefore peculiarly incumbent upon us in our prosperity, to remember Him who has thus blessed us, and not to forget those of our brethren who have not been so highly favored.

Moved by these considerations, I do hereby appoint Thursday the 29th day of November next, as a day to be observed by the people of Iowa, as a day of Thanksgiving to Almighty God for the great mercies vouchsafed by Him to us, and of humble and earnest prayer for the continuance of those mercies to us and to our posterity, and I do earnestly recommend, that on that day our people abstain from all secular business, and devote the day to the service of Him, whose favor is the only support and bulwark of States and Nations.

Done at Des Moines this 17th day of October

L. S. A. D. 1860. Samuel J. Kirkwood.

By the Governor,

Elijah Sells, *Secretary of State.*

CALLING FOR VOLUNTEERS

APRIL 17, 1861

From MS. Copy of Executive Journal, Vol. I, p. 348—in the Office of the Governor, Des Moines

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The following telegram was received from the Secy. of War

WASHINGTON April 16th 1861.

To His Excellency SAMUEL J. KIRKWOOD

Governor of Iowa,

Call made on you by to-night's mail for one regiment of militia for immediate service.

SIMON CAMERON Secy. of War

Whereupon the following Proclamation was issued:

Whereas, the President of the United States has made a requisition upon the Executive of the State of Iowa for one regiment of militia, to aid the Federal Government in enforcing its laws, and suppressing rebellion. Now therefore, I, Samuel J. Kirkwood, Governor of the State of Iowa, do issue this Proclamation and hereby call upon the militia of this State immediately to form in different counties Volunteer Companies, with a view of entering the active military service of the United States, for the purpose aforesaid. The regiment at present required will consist of ten companies, of at least 78 men each, including one Captain & two Lieutenants to be elected by each Company. Under the present requisition only one regiment can be accepted, and the companies must hold themselves in readiness for duty by the 20th of May next at the farthest. If a sufficient number of companies are tendered their services may be required. If more companies are formed and reported than can be received under the present call, their services will be required

in the event of another requisition upon the State. The Nation is in peril. A fearful attempt is being made to overthrow the Constitution and dissever the Union. The aid of every loyal citizen is invoked to sustain the General Government. For the honor of our State let the requirement of the President be cheerfully and promptly met.

SAMUEL J. KIRKWOOD.

IOWA CITY, APRIL 17th A. D. 1861.

CALLING FOR VOLUNTEERS

APRIL 17, 1861

[Sent out to the several counties]

From MS. Copy of Executive Journal, Vol. I, p. 349—in the Office of the Governor, Des Moines.

I have received from the President of the United States, a requisition for a regiment of men from this State for the defence of the Government against rebels and traitors.

I am anxious that the response of Iowa shall be prompt & emphatic. I wish your county to raise at least one company of seventy-eight men, including officers. You may make the number greater if you can. Upon the receipt of this you will take such steps as you may think best, to notify the people of your vicinity as speedily as possible, and call on them for volunteers. As soon as the ranks of the company are full, let them proceed to elect a Captain & two Lieutenants. Notify me of the election and I will commission the officers.

If there is a volunteer company already organized that can fill up its ranks to the requisite number let that be done.

As soon as the company is organized, and officers elected, unless you get other orders from me, let the men go home holding themselves ready to meet for the march at a moment's warning. They must be at the rendezvous by the 20th day of May, at farthest, and may be called sooner.

At the proper time I will notify you, or the Captain when & where to call the company together, to be mustered into the service, and will furnish funds for all expenses from that time until received by the U. S. officer. The United States will furnish arms and accoutrements. The Regiment I presume will elect its own officers.

Please let me hear from you promptly, what can be done in your county.

Very Respectfully

SAMUEL J. KIRKWOOD.

CONVENING THE GENERAL ASSEMBLY IN EXTRA SESSION

APRIL 25, 1861

From the Iowa State Register, Vol. VI, No. 12, May 1, 1861

Believing that within the meaning of the Constitution, an extraordinary occasion has occurred and that subjects of vital importance to the people of the State of Iowa require the immediate attention of the Legislature.

Now, therefore, I, SAMUEL J. KIRKWOOD, Governor of said State, by virtue of the authority in me vested, do hereby convene the General Assembly of said State in special session, to be begun and held at Des Moines, on

Wednesday, the 15th day of May, 1861, at two o'clock P. M. of said day.

In witness whereof, I have hereunto set my hand and caused to be hereto affixed the great seal (L. S.) of the State of Iowa. Done at Des Moines, this 25th day of April, A. D. 1861.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR.

ELIJAH SELLS, *Sec'y of State.*

TO THE PEOPLE OF IOWA RELATIVE TO THE ORGANIZATION OF VOLUNTEER COMPANIES

JUNE 11, 1861

From the Iowa State Register, Vol. VI, No. 18, June 12, 1861

In response to the call of the General Government for Military aid in defense of Federal authority and Federal property, the State of Iowa has furnished three Regiments of Infantry, who are encamped at the rendezvous designated by the War Department, undergoing the necessary preparatory discipline for active service. Two of the Regiments, the Second and Third, enlisted for the term of three years, or during the continuance of the War; while the First, organized under the first call for volunteers, were enrolled only for the period of three months. At the expiration of their term of service the companies composing this Regiment will be at liberty to disband, or re-enroll and re-organize for the full term of service. Until these Regiments were fully accepted as a portion of the United States Army, the

responsibility of providing for their subsistence devolved upon the State authorities.

During the late Extra Session of the General Assembly an Act was passed authorizing and empowering the Governor to organize two Regiments of Infantry, one Battalion of Artillery, one Squadron of Cavalry, and one Regiment of Mounted Riflemen, which force, in whole or in part, was intended for the protection of the inhabitants of the frontier Counties from marauding parties of Indian or Southern Insurgents, and be held also as a reserve force for the assistance of the United States Government. These volunteer organizations will be called into requisition as the necessities of the State or National Government may be developed. In order, however, that men shall be withdrawn from the pursuits of Productive Industry for those of War, no faster than the public security shall render imperative, I would suggest that volunteer companies be organized for purposes of drill merely, in each County having a sufficient population. Without abandonment of business or absence from home, the elementary discipline of military education can be thus thoroughly acquired, so that when the companies so drilled shall be mustered into service, they will be qualified with little additional experience for the practical duties of the field.

Military movements, even when most economically conducted, are necessarily expensive, and the burden liable to bear heavily upon the industrial classes. If the means for prosecuting the war, however, be promptly furnished, the power of the Governmental Authorities to speedily conquer will be increased. That our brave Volunteers who have

already assumed, or who may soon assume, the responsibilities and perils of military life, may be rendered as comfortable as possible during their term of service, and permitted to return to their homes at an early day, I earnestly appeal to the property-holders of the State to aid in the prompt payment of delinquent taxes. We have Men, brave and true, in superabundance. There is Money due the State Treasury sufficient to meet the present legal demand upon the General Fund for Civil and Military purposes, and pay off a large portion of the State indebtedness; but while a sum exceeding $400,000 of former levies is in arrears, the Executive Department of the State is rendered comparatively powerless, and the military service subjected to extreme embarrassments. Will the patriotic masses of Iowa in their individual capacity see to it that this barrier to effective military service, shall be as speedily as possible removed?

I have been induced to make the foregoing suggestions in this manner because of my belief that the People of the State would cordially co-operate with me in any honest, prudent endeavor to advance the public interest. While only a few may be permitted to endure the hardships and face the hazards of the camp, and to meet the foe in the shock of battle, each citizen, in this hour of our National necessities has a public obligation to discharge, and it may be as effectively canceled while in the prosecution of the peaceful pursuits of industry, as at the most hazardous posts of duty.

SAMUEL J. KIRKWOOD.

DES MOINES, JUNE 11th, 1861.

RELATIVE TO THE SALE OF STATE BONDS

JUNE 13, 1861

From the Iowa State Register, Vol. VI, No. 21, July 3, 1861

UNDER the provisions of an act passed at the Extra Session of the Eighth General Assembly of the State of Iowa, entitled "An Act to provide for the issue and sale of State Bonds to procure a loan of money for the State of Iowa, to enable it to repel invasion and defend itself in War," approved May 28th, 1861, the issue and sale of the Bonds of the State is authorized to an amount not exceeding the sum of Eight Hundred Thousand Dollars. The bonds are to be issued and sold from time to time, as in the judgment of the Board of Commissioners created by said Act, or the majority of said Board, the wants and necessities of the State may require.

The Board at their meeting held at the Capital on the 13th day of June, 1861, have ordered the issue and sale of Bonds to the amount of Four Hundred Thousand Dollars. The Bonds thereby authorized and for sale are in the sums of $100.00, $500.00 and $1,000.00 each, at the option of the purchaser; signed by the Governor, countersigned by the Auditor and Treasurer, and attested by the Great Seal of the State of Iowa, with interest coupons attached, signed by the Auditor, but not attested by the Great Seal of the State. And provided for the payment of the principal at the expiration of twenty years from the date thereof, and for the payment of the interest semi-annually on the first days of January and July of each year, at the rate of Seven per cent. per annum. Both principal and interest on all Bonds over one hundred dollars are made payable at the Metropolitan Bank in the city of New York; but the Governor may cause such payment to be made at any other place in said city by giving 30 days' public notice of such place in three newspapers in said city.

Both the principal and interest of all $100.00 bonds are made payable at the Treasury of this State. None of the $100.00 bonds will be sold out of the State.

The State has irrevocably pledged its faith to provide adequate

means to pay the interest on said Bonds as the same becomes due, and principal at the expiration of twenty years. And for this purpose all, or so much as is necessary of the revenue arising from the entire taxable property of the State, has been and is set apart and pledged for these purposes; and it is made by law the duty of the Census Board or other proper officer or officers (which duty the law provides may if necessary be enforced by mandamus) to levy a tax in each year sufficient for these purposes, after the payment of all expenses of collection.

No tax, it is provided by law, shall ever be levied by the State of Iowa on the stock created by said Act, nor on the interest payable thereon; and the value of the stock shall in no wise be impaired by the authority of the State, but it is expressly provided by said Act that nothing therein contained shall be so construed as to exempt from taxation any part of the capital stock of the Branches of the State Bank of Iowa.

The Board of Commissioners created by said Act have in writing directed the undersigned, the agents appointed by said Act, to negotiate said loan and to sell and transfer said Bonds, to sell said Bonds or any part thereof at private sale, in this State, at their nominal par value, until the 13th day of July, A. D. 1861; at which time all of said Bonds which remain unsold at private sale in this State, may be sold in New York City, in the manner specified in said Act. No $100.00 Bonds will be sold in New York City; but the bonds there sold will be in the sum of $500.00 or $1000.00 each, at the option of the purchaser, to be specified in his proposal.

The terms of the sales of said Bonds are specie payable in hand on the delivery of the Bonds so sold to the purchaser or purchasers.

Matured coupons on all Bonds of the denomination of one hundred dollars, are by the provisions of said Act receivable in payment of all State taxes.

The sale of said Bonds, which is to take place in New York City, with directions for proposals therefor, is advertised in the Daily New York Tribune, the New York Daily Times, and Daily New

York Journal of Commerce, and in the Daily Boston Atlas and Daily Boston Post, and in the Daily Chicago Tribune.

Any person wishing to invest in said "Iowa State Stocks," can do so on the terms aforesaid at their nominal par value, at the office of the Treasurer of State, at the Capital at Des Moines, until and on the 8th day of July, A. D. 1861, after which day the undersigned will proceed to New York City to attend to receiving proposals there until the 13th day of July, 1861, at noon, and opening said proposals on July 15th, 1861, at noon.

DES MOINES, June 13th, 1861.

JOHN W. JONES, *State Treasurer*,
MATURIN L. FISHER,
Loan Agents.

From MS. Copy of Executive Journal, Vol. I, p. 471—in the Office of the Governor, Des Moines

To the people of Iowa:

You will see by the above notice (advertisement for sale of State Bonds) that the State appeals to you for aid in the present crisis. Three thousand of our young men have crowded to the field, as if to a banquet, cheerfully offering their lives to defend our country and its flag, and thousands more but await the opportunity to follow the glorious example. But to maintain those who have already gone, to equip those who may follow, money, "the means of war" must be had. In the great money marts of the country, the Eastern Cities, the bonds of the United States, and of the various loyal States, are seeking a market, and the supply there exceeds the demand. If all our bonds must be sold there, they will probably sell for less than par, thus lessening the means at the disposal of the State.

This appeal is therefor made to you, to step forward and render your aid to the State, and the country, in this their hour of peril. I am well aware that you are just recovering from the effects of the prostration of the prosperity of the State in 1857; that while rich in everything else we are poor in money; that it will require some sacrifice on our part to take these bonds. But will you not make that sacrifice? Your neighbors, your sons, your brothers, are freely periling their lives. Can not we who stay home make some sacrifice to aid them? Shall it be said that while so many are eager to undergo the toils, and perils, of a soldier's life, to defend our country's honor, none can be found to furnish the necessary means? The world can not offer better securities than are the bonds of Iowa, and the pride and patriotism of her people, as well as their interest, require that these bonds shall be taken promptly, and at par. Within six months from the day that peace is declared, they will command a premium, and be eagerly sought by capitalists. Until that time, and in order to hasten that time, let those of you who can not show your patriotism otherwise, step forward, and by the performance of this duty, as important but less dangerous than that of the soldier, show that all the patriotism of Iowa is not in the camp with her soldiers.

Call meetings in your respective counties, place these matters fully and fairly before the people, and ask them if they will not, for the sake of the good cause and the credit of our young State, see to it that Iowa does her duty in money as well as in men.

There has been a manly strife among our Counties as to which should have the most men in the field. Let there

now be a strife as earnest as to which, in proportion to its means, shall furnish the greater support in money.

There is not a man or woman in Iowa, who would not blush if we had to seek men outside of our State to fill the ranks of our regiments. Shall it be said we had to go outside of our State for means to equip and pay them?

SAMUEL J. KIRKWOOD,
Governor of Iowa.

TO THE PEOPLE OF IOWA

JULY 19, 1861

From the Iowa State Register, Vol. VI, No. 25, July 31, 1861

When the President called upon the loyal people of the United States for help to save the government from rebels and traitors, no State responded more promptly than Iowa. Thousands of her sons are now in the field ready and eager to peril their lives in defense of their country. The base treachery of some of the sworn servants of the Government during the administration of Mr. Buchanan had so disorganized our Government that when the call was made for troops, the Administration was wholly unable to clothe and equip them in proper time, and it became necessary for the States furnishing troops to furnish also clothing and equipments. Of course these States were compelled to, and did incur expenses larger or smaller, in proportion to the troops called from and clothing and equipments furnished by each.

To meet the expenses thus incurred, and other expenses that might be incurred, the General Assembly, in extra

session, provided by law for the sale of the bonds of the State. In accordance with that law, the bonds were advertised for sale in the city of New York, and, as I have reason to believe, certain parties in this State, combined together to depreciate the value of the bonds, for the purpose either of wholly preventing their sale or of compelling their sale at runious rates. The means by which they sought to effect this end was, to declare that the bonds were unconstitutionally issued, that the General Assembly of the State had been guilty of a gross fraud in authorizing their issue, and that the people of Iowa were so base and dishonest that they would hereafter repudiate the bonds that might be sold.

Whether the motive of these parties in publishing these vile calumnies, and thereby seeking to discredit the bonds was to render the State unable to do her part in the struggle now going on for the preservation of the Union, and to that extent strengthen the hands of treason and rebellion, or to gratify a feeling of revenge for some real or supposed wrong inflicted by some portion of our people, or to enable the parties to buy up the bonds thus discredited by their own efforts, at ruinously low rates—is not now a question of practical importance. It is sufficient for us now to know that they have been successful, and that our bonds remain unsold.

This position of affairs is to me very annoying and perplexing. Relying upon the anticipated sales of these bonds, and carrying out your well known and clearly expressed wishes, I have incurred large expenses in enrolling, subsisting and clothing the brave men who are now in the field for the defense of the flag we all love so well. These expenses

are wholly unpaid. In some instances the money is due directly to the persons who have generously advanced the money to meet pressing necessities. What renders this situation of affairs particularly unpleasant to myself individually, is the fact that it has been and is made a matter of serious complaint by many of you, that I have been too backward in expending the money of the State, while at the same time I was and still am unable to meet the pressing demands upon me for expenses already incurred.

Much complaint was made that our first three regiments were not clothed as soon as they should have been. They were clothed as soon as it could be done; and to-day, that clothing, worn by your sons and brothers, is unpaid for, while the person that furnished it is suffering for his pay. Complaint was also made that the money due by the State to our soldiers was not paid to them promptly. Before it could be paid to them it had to be borrowed. It was borrowed on the responsibility of Individuals; and, to-day, these individuals are liable for, or have paid, the moneys thus paid to your soldiers. The expenses incurred in the various counties, for subsisting companies and transporting them to the place of rendezvous, have been paid by borrowing, and are due to the lenders, or are yet due to the persons who furnished the subsistence and transportation. At Keokuk certain patriotic individuals purchased a large amount of powder for the use of the State, giving their obligations therefor. I have not had the means to pay the debt thus incurred, and these parties have either had to pay it or go to protest. In short, the entire amount of the expenses thus incurred, to enable the State of Iowa to do her share in

the momentous struggle now going on for the preservation of the Union, is unpaid, and the parties to whom it is due are pressing for payment. Further expenses will necessarily be incurred. I am instructed to buy arms for the protection of our Southern and Western frontiers, but am unable to do so for want of means. I anticipate further requisitions of this State for troops, which must be met.

And now, men of Iowa, under these circumstances, I appeal to you for aid and assistance. Your bonds cannot be sold abroad. They must either be sold at home, or the State must suffer the disgrace, not only of failing to do her duty for the future, but of failing to pay the expenses already incurred. May I not confidently trust that every citizen of Iowa will feel that his own good name, as well as the good name of the State, is involved in this matter, and that I will have his hearty and effectual aid? May I not especially trust that those of you, who, perhaps without knowing the difficulties by which I have been surrounded, have thought my action has not been sufficiently prompt and energetic, will, now that these difficulties are understood, see to it that they shall be removed, and the means shall be furnished for action as prompt and energetic as you may desire?

Let me earnestly entreat every man who has at heart the cause of the country and the good name of the State, to take hold of this matter and give me his active assistance. Let meetings of our people be called, and the wants of the State explained to them, and if I do not wholly mistake the people of Iowa, they will take care that the good name of our State shall not suffer, and will show that those of us who

remain at home can do our duty to our country as well as those who follow our flag to the field of battle.

SAMUEL J. KIRKWOOD,
Governor of Iowa.

JULY 19, 1861.

CALLING FOR TROOPS

JULY 30, 1861

From MS. Copy of Executive Journal, Vol. I, p. 489—in the Office of the Governor, Des Moines

The Secretary of War has accepted from this State, four additional regiments of Infantry, and one of Cavalry. One regiment of infantry is already organized, as I learn, under Col. Bennett, of Polk County. Two are accepted as the regiments of Cols. Hoffman, of Davenport, and Vandever, of Dubuque, and are not organized. The Col. of the cavalry regiment will be appointed at Washington. They are all required to be in rendezvous, from the 12th to the 15th of August, at Dubuque, and Davenport. I have sent letters to several Captains of Companies, whose ranks are nearly full, requiring them to fill and report to me immediately, but as many of the companies whose rolls have been sent to the Adjutant General, are organized under the State law, and are therefore too small for United States service, and as the time for organizing these regiments is so short, I deem it proper to call on the people generally, to come forward so that these regiments can be organized promptly. Should more companies be offered than I can accept, I trust those not accepted will not begrudge to the country their

efforts for the cause, and I will use my best endeavors at Washington to have accepted all that may offer.

The War Department desires that the companies of these new regiments, be filled to the maximum, if possible,—101 for infantry, and 97 for cavalry. The horses for the cavalry will be paid for by the General Government.

The expiration of the term of service, of the three months volunteers, renders necessary this call for more men. Iowa has been called on for her share, and I feel well assured she will promptly answer the call. The recent misfortune at Manassas, demonstrates that the contest in which we are engaged is one requiring neither passion, excitement, nor unreasoning and blind haste, but rather patience, calmness, organization, deliberation and fixed determination. The work now required to be done in this State must be done speedily. I trust that every man who has at heart the good name of the State, and the cause of country will render her his aid to see that it shall be done both speedily and well.

SAMUEL J. KIRKWOOD.
Governor of Iowa.

EXECUTIVE OFFICE, July 30, 1861.

ON THE GENERAL ELECTION

AUGUST 20, 1861

From the MS. Copy of Executive Journal, Vol. I, p. 490—in the Office of the Governor, Des Moines

To all to whom these presents may come, greeting:

Whereas, It is by an act of the General Assembly, of the State of Iowa, made the duty of the Governor at least thirty

days before any general election, to issue his proclamation, designating all the offices to be filled by vote of all the electors in the State, or by the electors of any judicial District.

Now therefore I, Samuel J. Kirkwood, Governor of the State of Iowa, do by this proclamation publish and declare, that at the next general election, to be held in this State, on the second Tuesday of Oct. next, the following offices are to be filled, to wit:

The office of Governor, the office of Lieut. Governor, the office of Judge of the Supreme Court, the office of Representative to Congress from the First Congressional District, to fill the vacancy occasioned by the resignation of Hon. Samuel R. Curtis, and the office of District Judge of the Sixth Judicial District, to fill the vacancy occasioned by the resignation of Hon. William M. Stone.

Whereof all citizens, and officers concerned, particularly the Sheriffs of the several Counties, will take notice, and be governed accordingly.

In testimony whereof I have hereunto set my hand, and affixed the great seal of the State of Iowa.

L. S. Done at Des Moines, this 20th day of August, 1861 of the Independence of the United States the eighty-sixth, and of this State the fifteenth.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR.

ELIJAH SELLS, *Secretary of State.*

APPEALING FOR VOLUNTEERS

SEPTEMBER 10, 1861

From MS. Copy of Executive Journal, Vol. I, p. 502—in the Office of the Governor, Des Moines

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Fellow Citizens of Iowa: More soldiers are required for the War. I therefore appeal to your patriotism to complete, at once the quota demanded of our State. Six regiments of infantry and two of cavalry, composed of your friends and your neighbors, are now in the field. Three more regiments of infantry, and one of cavalry, composed of the same precious materials, are now in camp, nearly organized, and eager to join their brothers in arms, who have preceded them, and still four more regiments are required. Will you permit these patriots who have gone forth, animated with the spirit of their cause, to remain unsupported, and to fight alone the battles which are imminent? Remember they will not fight for themselves alone. It is your cause, as well as theirs, in which they are engaged. It is the cause of government, of home, of country, of freedom, of humanity, of God himself. It is in this righteous cause that I now call upon the manhood and patriotism of the State for a cordial and hearty response. The gallant achievements of our noble Iowa first, have bestowed upon our State an unperishable renown. Wherever fortitude is appreciated, and valor recognized, as the attributes of a brave and great hearted people, the Iowa volunteer is now greeted with pride and applause.

Shall it be said that you were unworthy the great deeds which were done in your behalf by that regiment of heroes,

that you were laggards in the great work which they so well began. Shall the fair fame of the State, which they have raised to the highest point of greatness, lose its luster through your backwardness to the call of your country, made in the holiest cause which ever engaged the efforts of a people? With you rests the responsibility. Men alone are wanted. Arms, equipments, liberal pay, the applause and gratitude of a nation, await the volunteer. I can not believe that you will prove insufficient for the occasion, when you know your country's need. Two regiments of those yet needed are required for the defence of our own borders, against the incursions of predatory tribes of Indians. While our large armies have been engaged with civilized traitors, in a deadly struggle for the supremacy of the government, the maintenance of the Constitution, the enforcement of the laws, and the protection of innocent and defenceless citizens, our own borders have become exposed to the ravages of savages. Some of these lawless tribes are now in league with the leaders of the rebellion in Arkansas and Missouri. Letters have been incited by them to seize this opportunity to prey upon the defenceless inhabitants of our State. Some of our sparsely settled counties imperatively demand protection, and they must have it.

Four regiments, in addition to those now organized, are needed. They must be had speedily. I hope for the good name of our State they will be furnished without a resort to any other means than those heretofore so successfully adopted. Let those who can not volunteer lend encouragement and assistance to those who can.

Let every one feel there is no more important work to be done until these regiments are filled.

SAMUEL J. KIRKWOOD.

SEPTEMBER 10TH, 1861.

ON ELECTION TO FILL A VACANCY IN THE SENATE

SEPTEMBER 12, 1861

From MS. Copy of Executive Register, Vol. II, p. 118—in the Office of the Secretary of State, Des Moines

Whereas a vacancy has occurred in the office of Senator of the Tenth Senatorial District of the State of Iowa, composed of Jefferson County, occasioned by the resignation of the Honorable James F. Wilson.

Now therefore, I Samuel J. Kirkwood, Governor of the State of Iowa, by authority in me vested do by this my proclamation, publish and direct that on the Second Tuesday of October next, (the day upon which the general election is held) an election will be held in said Senatorial District, for the purpose of filling such vacancy.

Whereof the citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L. S. Done at Des Moines this 12th day of September A. D. 1861.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

ON ELECTION TO FILL A VACANCY IN THE OFFICE OF DISTRICT ATTORNEY

SEPTEMBER 14, 1861

From MS. Copy of Executive Register, Vol. II, p. 120—in the Office of the Secretary of State, Des Moines

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Whereas, a vacancy has occurred in the office of District Attorney of the Eleventh Judicial District of the State of Iowa, composed of the Counties of Hardin, Franklin, Hamilton, Wright, Hancock, Winnebago, Webster, Marshall, Story, Cerro Gordo, Worth and Boone which vacancy is occasioned by the resignation of the Hon. William P. Hepburn.

Now Therefore I Samuel J. Kirkwood, Governor of the State of Iowa, by the authority in me vested, publish and declare that on the Second Tuesday of October next, (the day on which the general election is held) an election will be held in the several Counties composing said District, for the purpose of filling such vacancy.

Whereof all Officers and citizens concerned will take notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

L. S. Done at Des Moines this 14th day of September A. D. 1861.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH J. SELLS, *Secretary of State.*

ON THANKSGIVING

NOVEMBER 13, 1861

From MS. Copy of Executive Journal, Vol. I, p. 528—in the Office of the Governor, Des Moines

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Another year has gone, and we are brought to that period when, following the example of our Puritan Fathers, we are accustomed to offer our public Thanksgiving to the Author of all good, for his merciful providence toward us. Wonderful changes have occurred during the past year, and adversities seem to have overtaken us, as a country, and as a people, yet we have manifold blessings for which to be thankful. For the bounteous harvest of the fields; for the general good health of the past year; for the peaceful relations we occupy with nations abroad; for the aroused patriotic spirit of the people, which promises in due time to restore peace at home and triumphantly place our civil and religious institutions of Freedom, on a firmer foundation than ever before. For these and many other blessings, we have abundant cause for Christian gratitude. With civil war raging in our midst, the banner of Rebellion waving along all the Southern border, hostile armies marching to the conflict, and wails of mourning already swelling from thousands of stricken hearts and households, that we can still recognize manifold causes of gratitude, and acknowledge His kindly providence, and confidently place our trust in His hand to control this storm for the nation's good, may entitle us to the renewed favor of Him who doeth all things well. To this end I, Samuel J. Kirkwood, Governor of the State of Iowa, do hereby appoint Thursday, the 28th day

of November, next, as a day of Thanksgiving, and I earnestly recommend the people of the State to abstain, on that day, from their usual avocations, and assemble in their respective places of worship, to offer thanks, Prayer and Praise, to Him in whose mercy, more than ever, is our great trust.

SAMUEL J. KIRKWOOD,
Governor of Iowa.

[NOVEMBER 13, 1861.]

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 20, 1862

From MS. Copy of Executive Register, Vol. II, p. 132—in the Office of the Secretary of State, Des Moines

Whereas, a vacancy has occurred in the office of Senator of the Third Senatorial District of the State of Iowa, composed of the County of Davis which vacancy is occasioned by the appointment of Cyrus Bussey as Colonel of the 3rd Regiment of Cavalry, he having accepted of said appointment.

Now therefore I Samuel J. Kirkwood, Governor of the State of Iowa, by authority in me vested, do by this my proclamation, publish and direct, that on the 4th day of February, 1862, an election will be held in the County composing said District, for the purpose of filling such vacancy.

Whereof the Citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand

and caused to be affixed the Great Seal of the State of Iowa.

L. S. Done at Des Moines this 20th day of January A. D. 1862. SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 21, 1862

From MS. Copy of Executive Journal, 1862–63, p. 25—in the Office of the Governor, Des Moines

Whereas a vacancy has occurred in the office of Senator of the fortieth Senatorial District composed of the Counties of Chickasaw, Howard, Mitchell, Winnebago, Hancock, Floyd, Worth, Cerro Gordo and Wright, which vacancy is occasioned by the acceptance of J. C. Powers of the office of Captain of Company "I" in the Ninth Regiment of Infantry of the State of Iowa.

Now I Samuel J. Kirkwood Governor of the State of Iowa, by authority in me vested do by this my proclamation publish and direct that on the 25th day of February, 1862, an election will be held in the Counties composing said Senatorial District for the purpose of filling said vacancy.

Whereof the citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the

L. S. State of Iowa. Done at Des Moines this 21st day of January A. D. 1862

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 21, 1862

From MS. Copy of Executive Journal, 1862–63, p. 27—in the Office of the Governor, Des Moines

Whereas a vacancy has occurred in the office of Senator of the Forty-first District of the State of Iowa, composed of the counties of Story, Boone, Hamilton and Greene, which vacancy is occasioned by the acceptance of John Scott of the office of Lieut. Col. in the third Regiment of Infantry of the State of Iowa. Now therefore I Samuel J. Kirkwood Governor of the State of Iowa by authority in me vested do by this my proclamation publish and direct that on the 4th day of February 1862 an election will be held in the counties composing said Senatorial District for the purpose of filling said vacancy.

Whereof the citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the

L. S. State of Iowa. Done at Des Moines this 21st day of January A. D. 1862

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 21, 1862

From MS. Copy of Executive Register, Vol. II, p. 133—in the Office of the Secretary of State, Des Moines

Whereas, a vacancy has occurred in the office of Senator of the Fifth Senatorial District of the State of Iowa, composed of the Counties of Wayne and Decatur, which vacancy is occasioned by the acceptance of Wm. E. Taylor of the office of a Captain in the Fourth Regiment of Infantry of the State of Iowa.

Now therefore I Samuel J. Kirkwood Governor of the State of Iowa, by authority in me vested, do by this my proclamation publish and direct that on the 10th day of February 1862, an election will be held in the Counties composing said Senatorial District for the purpose of filling such vacancy.

Whereof the citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the
L. S. State of Iowa. Done at Des Moines this 21st day of January A. D. 1862.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 21, 1862

From MS. Copy of Executive Register, Vol. II, p. 134—in the Office of the Secretary of State, Des Moines

Whereas, a vacancy has occurred in the office of Senator of the 29th Senatorial District, composed of the County of Warren, which vacancy is occasioned by the acceptance by P. P. Henderson of the office of a Captain in the 10th Regiment of Infantry of the State of Iowa.

Now therefore I Samuel J. Kirkwood Governor of the State of Iowa, by the authority in me vested, do by this my proclamation, publish and direct, that on the 8th day of February 1862 an election will be held in the County composing said Senatorial District, for the purpose of filling such vacancy.

Whereof the citizens of said Senatorial District will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

L. S. Done at Des Moines this 21st day of January, A. D. 1862.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH SELLS, *Secretary of State.*

APPEAL FOR TROOPS

JUNE 4, 1862

From the Iowa City Republican, Vol. XIV, No. 706, June 4, 1862

The rebellion against which you have been so long and so gallantly contending is not yet quelled, but requires yet other sacrifices to complete the work. The enemy is now putting forth every effort desperation can suggest to accomplish his purpose. He is levying en masse all men within his reach capable of bearing arms, and is now holding our armies in check, has driven one division out of Virginia, and threatens to invade Maryland and capture Washington itself.

Our Government calls for more troops, and must have them. Having done so much to crush this foul conspiracy against our government, and having been lately so signally blessed in our labors, we must meet these new efforts of the enemy with corresponding force. The valor and patriotism of Iowa have never been appealed to in vain. They now have one more test, and will not fail.

We have sent more than twenty thousand men to the field, and every one a willing volunteer in his country's cause. Our soldiers have proved themselves the "*bravest* of the brave." We have thousands more as heroic hearts who are wanted with their brothers in the field.

It is probable that more than one regiment will be required, and that they will be sent to Washington. I call on the young men of Iowa to answer to this demand with that alacrity with which similar demands have been responded to heretofore.

Let those who cannot enlist encourage and assist those who can, and those who can defend our country's cause, come forward to the rescue of the best government ever given to man, from the attacks of those who would destroy all our institutions of liberty in one common ruin.

SAMUEL J. KIRKWOOD.

OFFERING A REWARD

JUNE 30, 1862

From MS. Copy of Executive Register, Vol. II, p. 160—in the Office of the Secretary of State, Des Moines

Whereas it has been represented to me that on the 28th day of June A. D. 1862, a man of the name of Michael King of the City of Des Moines in the County of Polk and State of Iowa was murdered and the perpetrator of said crime was one A. N. Marsh, who has not yet been arrested. Now therefore I, Samuel J. Kirkwood Governor of the State of Iowa, on behalf of the State of Iowa do hereby offer a reward of Two Hundred Dollars for the arrest and delivery of the said A. N. Marsh, the perpetrator of said crime, to the proper authorities of the said County of Polk.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the
L. S. State of Iowa.

Done at Des Moines this the thirtieth day of June A. D. 1862.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,

ELIJAH J. SELLS, *Secy. of State.*

APPEAL FOR VOLUNTEERS

JULY 9, 1862

From the Iowa City Republican, Vol. XIV, No. 713, July 16, 1862

I have this day received from the Secretary of War a telegram requesting me to raise, as soon as practicable, for the United States service, for three years or during the war, five regiments of volunteer infantry being a part of the quota of this State under the late call of the President for 300,000 men. The preservation of the Union, the perpetuity of our government, the honor of our State demand that this requisition should be promptly met. Our harvest is upon us and we have feared a lack of force to secure it. But we must imitate our brave Iowa boys in the field, meet new emergencies with new exertions. Our old men and our boys, unfit for war, if need be, our women must help to gather harvests while those able to bear arms go forth to aid their brave brethren in the field. The necessity is urgent. Our national existence is at stake. The more promptly the President is furnished the needed troops the more speedily will this unholy rebellion be crushed, and the blessings of peace again visit our land. Until then we must expect the hardships and privations of war.

The time has come when men must make, as many have already made, sacrifices of ease, comfort and business for the cause of the country.

The enemy, by a sweeping conscription, have forced into their ranks all men capable of bearing arms. Our government has as yet relied upon the volunteer action of our citizens. But if need be, the same energies must be exerted

to preserve our government that traitors are using to destroy it. To simplify and systematize the raising of these regiments, I have assigned one to each of the 1st, 2d, 3d and 4th Congressional Districts, and to the 5th and 6th together. This will prevent interference in recruiting and enable those from the same section to go to the field together.

Which District will have its regiment first in the field? Places of rendezvous, for the different regiments, will be designated when I receive notice of their destination. I will be necessarily absent for some weeks at Washington. Meantime all information in regard to the new regiments can be obtained from Adj. Gen. Baker at Clinton.

SAMUEL J. KIRKWOOD.

IOWA CITY, July 9, 1862.

APPEAL TO BOARDS OF SUPERVISORS

AUGUST 5, 1862

From the Iowa City Republican, Vol. XIV, No. 715, Aug. 6, 1862

EXECUTIVE OFFICE, IOWA, August 5, 1862.

To the Boards of Supervisors of the Several Counties of Iowa:

The President has recently called upon me for five new regiments from this State for United States service, and the old regiments now in the field need many recruits to fill up their ranks.

The necessity for these troops is immediate and pressing. The rebels have forced into the ranks of their army their entire available force, and our friends and relatives now in

service, and the country, are alike exposed to peril until our army is re-inforced.

I greatly need aid in this emergency, and desire if possible to avoid the delay consequent upon an extra session of the General Assembly. Under these circumstances I appeal to you, and to every loyal man in the State. I urgently request that you meet in your several counties, and that you take decided measures, by enacting provision for the support of the families of those who may volunteer, and otherwise to encourage speedy enlistments. Have meetings called in every school district and our young men urged to enlist, and thus save our State the necessity of a draft.

SAMUEL J. KIRKWOOD.

APPEAL FOR TROOPS

AUGUST 20, 1862

From the Iowa City Republican, Vol. XIV, No. 717, Aug. 20, 1862

The quota of this State of the three hundred thousand volunteers called for by the President on the 8th of July last, is ten thousand five hundred and seventy.

The quota of this State, of the three hundred thousand militia required to be drafted by order or the President 5th Aug. instant, is ten thousand five hundred and seventy.

The number of men required to fill up the ranks of our regiments in the field, as reported to me by the Secretary of war, on the 13th of August instant, is eight thousand and five.

The quota of the first call is over full by the prompt and patriotic response of our people, within the last few weeks.

I am satisfied that from fifteen to twenty thousand men are now organized into companies awaiting organization into regiments, and I am urging upon the War Department the acceptance of the whole number, and that our State be credited with the excess upon the second call for drafted men. But the War Department refuses as yet to give us such credit, until the number of men required to fill the old regiments (eight thousand and five) shall have been furnished.

These men for the old regiments are sorely needed, and the cause of the country is better served by filling the old regiments, than by receiving new ones.

The officers and men of the old regiments have gained a knowledge of their duties by experience in the field, and new recruits joining these regiments have the benefit of this knowledge possessed by their officers and comrades, and the old regiments filled up with new recruits are more effective at the end of two weeks than a new regiment at the end of two months.

In order then to get the credit due our State for the excess furnished over the first call, and in order to give our country this most effective and sorely needed help, we must fill up the old regiments. We can do this by volunteering until the first of September. If not done by that time, the deficiency will be supplied by special draft in addition to the drafts under the second call.

I appeal then to every man for aid. Let everything else be laid aside, until this needed work is done. Let the young men whose brothers and friends are in our old regiments take their places by their sides. Any person desir-

ing to enter an old regiment can select the regiment and company he prefers, and thus go with his acquaintances and friends.

So deeply am I impressed with the imperative necessity of filling up the old regiments, that I will, at an Extra Session of the General Assembly to convene on the 3d day of September, recommend to that body the payment of a state bounty of such sum as may be deemed advisable, to all persons who shall before the 1st day of September next, enlist in any one of the old regiments of this State.

I also earnestly advise all companies now incomplete, and which will not certainly be completed by the 23d inst., to abandon their attempt at organization as companies, and enlist for the old regiments.

I append the dispatches showing the present situation of various calls on this State, and an extract from General Order from the Adjutant General at Washington, in regard to recruits for the old regiments.

SAMUEL J. KIRKWOOD,
Governor of Iowa.

CONVENING THE GENERAL ASSEMBLY IN EXTRA SESSION

AUGUST 19, 1862

From the Iowa City Republican, Vol. XIV, No. 717, Aug. 20, 1862

Believing there are questions vitally affecting the public welfare that demand the immediate attention of the General Assembly,

Now, therefore, I, SAMUEL J. KIRKWOOD, Governor of the State of Iowa, by virtue of the authority in me vested, do hereby convene the General Assembly of said State, in special session, to be begun and held at Des Moines on WEDNESDAY THE 3RD DAY OF SEPTEMBER, 1862, at 2 o'clock P. M. of said day.

In witness whereof, I have hereunto set my hand and caused to be affixed thereto the Great Seal of the State of Iowa.

Done at Des Moines the 19th day of August, 1862.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR:

ELIJAH SELLS, *Secretary of State.*

APPEAL FOR SUPPLIES

AUGUST 27, 1862

From the Iowa City Republican, Vol. XIV, No. 719, Sept. 3, 1862

EXECUTIVE OFFICE, IOWA CITY, Aug. 27, 1862.

Fellow Citizens:

Your relatives, your friends, those who by blood and home associations are dear to many of you, those whose generous sacrifices for the good of our common country should endear them to all, are suffering in camp on a distant soil, from the want of some of the necessaries of healthy life. The products of the earth, which, by the blessings of Providence are awarded us in such abundance, are needed by many of our soldiers, especially those in the hospital.

A slight exertion on your part, individually—only a little of the surplus which you have on hand, either in material or means, will, if properly directed, form an adequate amount for the use of our friends, and cause their hearts to beat with grateful emotion. The season is at hand when vegetable matter is indispensable for health. Scurvy, the dread of the soldier; and the diseases incident to approaching autumn, demand that a full supply should be soon on hand ready for distribution. I know that I shall not appeal in vain to the people of Iowa—that they alone wish to be informed of what is needed, to move with alacrity. Hence, collect what you can, quickly, put it in good form for transportation, and send it to any prominent point on the Mississippi river, or make the deposit at any railroad station in connection therewith.

I have assigned to the duty of looking after the wants of the Iowa soldiers, one of my special Aids, Lt. Col. Ira M. Gifford, of Davenport. He has already been in the field, knows the needs of the troops as well as their location, and will soon be on the ground again. His arrangements for transportation along the river are, as far as possible, complete. Communicate with him at Davenport, if you desire to do so, before the first of September. Supplies or packages of any kind will come under his supervision, by being marked plainly to his address at Columbus, Kentucky, care of Partridge & Co., St. Louis. By my instructions he will co-operate with, or act as authorized agent for, the different Sanitary Commissions, Aid Societies, or other benevolent associations throughout the State, having in view the relief of our citizen soldiery.

The articles needed at this time particularly are, potatoes, onions, tomatoes (picked when ripening), beets, poultry, butter, and eggs; also, fruits of various kinds, those in cans (except apples) being preferred. I would also add, that articles of clothing, shirts and drawers, never come amiss—in fact use can be found for them at all times.

Thus far Iowa has done nobly in attending to the wants of her sons who have gone forth to battle for the fairest heritage ever vouchsafed to any people. I feel satisfied that she will respond at once to this special call and afford one more instance of devotion to the interests of our great Republic.

SAMUEL J. KIRKWOOD.
Governor of Iowa.

(Papers throughout the State please copy.)

CIRCULAR TO DRAFTING COMMISSIONERS

SEPTEMBER 16, 1862

From the Iowa City Republican, Vol. XIV, No. 722, Sept. 24, 1862

EXECUTIVE OFFICE, IOWA, SEPT. 16, 1862.

Mr......

Drafting Commissioner.

.....*County, Iowa.*

Sir: I have recently been instructed by the War Department, that the excess of volunteers over the quota of the State of the first Three Hundred Thousand men will be credited to the State on her quota of the second Three Hundred Thousand; and that if the State has filled both quotas

by volunteering, no draft would be made at present except to fill the old regiments.

I am happy to be able to inform you that there are volunteers enough to fill both quotas of the State, and there now only remains, to avoid the necessity of a draft here, the filling of our old regiments.

There are now in process of organization two independent regiments at Dubuque—one the Irish regiment under Colonel O'Brien, and a cavalry regiment under Colonel Wilson; also, a regiment in the southern part of the State, under Colonel Summers. I will endeavor to procure credit to the State for these regiments.

Still the danger of a draft is imminent. The order may reach me on any day to commence the draft to fill the regiments. You will therefore perfect all your arrangements for the draft. Have everything done that is required of you by the instructions heretofore sent you, so that you will be able to commence the draft in one day's notice, and await such further instructions as may be sent you. You need not attend from day to day, as heretofore, but be ready to act when required.

You will ascertain and strike from your list of men liable to draft, all men in your county who may enlist in any of the old regiments or in either of the regiments named.

SAMUEL J. KIRKWOOD.

Governor.

ON THANKSGIVING

NOVEMBER 1, 1862

From MS. Copy of Executive Journal, 1862–63, p. 295—in the Office of the Governor, Des Moines

To the People of Iowa:

In token of our dependence upon the Supreme Ruler of the universe, the more especially in this, the hour of peril to the Nation in fervent thanksgiving to Him that no pestilence has prevailed in our midst, that the labors of the husbandman have been measurably rewarded and for the many blessings vouchsafed us as individuals and citizens: in devout acknowledgment of His Sovereignty and overruling Providence, and in heartfelt gratitude that our armies in the field have won such renown in the great cause of the Union that our citizens at home have been inspired with such devoted loyalty and munificence in relieving our brave soldiers, and that we have been permitted to follow in a peaceable manner our usual persuits while War is desolating our land.

I, Samuel J. Kirkwood, do hereby appoint Thursday, the 27th day of November next as a day of thanksgiving, prayer and praise and do hereby entreat the people abstaining from their usual pursuits to assemble together on that day in their chosen places of worship and offer up their earnest prayers to Almighty God, humbly acknowledging their shortcomings and dependence upon Him, thanking Him for the manifold blessings conferred upon them by His hand: beseeching Him to crown our arms and cause with signal triumph, to confer strength upon our gallant soldiery, to mitigate the suffering of the sick, wounded and imprisoned, and to suc-

cor and heal the anguish of the bereft, and imploring the speedy extinction of rebellion, a return of peace in His own good time to our distracted land, and that we may prove ourselves worthy of the institutions bequeathed us by the Fathers of the Republic by becoming once more a united, fraternal & happy people.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be hereto affixed the 1st day of November in the year of our *Lord* one thousand eight hundred & sixty two.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR,
ELIJAH SELLS, *Secretary of State.*

APPEAL FOR SUPPLIES

MARCH 11, 1863

From the Iowa City Republican, Vol. XIV, No. 746, March 11, 1863

EXECUTIVE OFFICE, IOWA,
IOWA CITY, March 2, 1863.

MRS. ANNIE WITTENMYER, *State Sanitary Agent:*

DEAR MADAM—Gov. Kirkwood directs me to request of you, while here, to give him a statement of the sanitary condition of the Iowa Regiments, which you have visited—what are their most pressing wants—what supplies can best be furnished by the liberality of our people, and through what channels they can send them.

Very Truly Yours,
N. H. BRAINERD, *Mil. Sec.*

IOWA CITY, March 3, 1863.

N. H. BRAINERD, *Military Secretary to Governor Kirkwood:*

DEAR SIR — Your note of yesterday has been received, and in reply you will inform Gov. Kirkwood that I have recently visited the hospitals, and Iowa Regiments at Helena and Vicksburg, and that owing to climatic influences, unfavorable surroundings, and the fatigue and exposure of their recent campaign against Vicksburg, and Arkansas Post, and the confinement and exposure of the recent expedition up White river, the sanitary condition of most of Iowa Regiments is very unfavorable.

Besides the diseases incident to camp life and exposure, small pox and scurvy are prevailing to a considerable extent. Many of the causes which have led to the unfavorable condition of the health of our army still exist, and unless remedied by the generous efforts of the people of the loyal States, must result in a fearful amount of sickness and mortality. The almost entire absence of vegetable food in the army, which has resulted in scurvy, debility and a general depreciation of the strength of our forces, leads me to urge upon the Governor the great importance of so directing and controling the sanitary resources of the State as to supply our suffering soldiers with vegetables, stimulants and antiscorbutics.

The Hospitals at Helena and Vicksburg, although greatly improved in their condition, are almost entirely destitute of suitable nourishing food for the sick, and but for the constant and untiring efforts of sanitary agents, their condition would be terrible. The articles most needed are potatoes, onions, sour-krout, corn meal, pickles, dried fruit, cranberries, molasses, soda crackers, toasted rusk, butter, eggs, condiments and stimulants.—Cider vinegar would also be acceptable. Goods will be directed as you dictate, and sent to the care of Partrage & Co., St. Louis, Mo.

The large increase in the number of sick in the army, imperatively demands additional hospital arrangements, which must be met. It has been found that light cot comfortables are much more agreeable for the use of the sick than stiff heavy army blankets. The high

price of cotton materials having almost entirely cut off our supply, *I have* asked and *obtained of the U. S. Government* ten bales of cotton for sanitary purposes, which I am distributing to the principal societies of the West, to be made into cot comfortables. Two bales have been sent to the societies at Chicago; enough for four hundred comfortables have been sent to each of the cities of Cleveland, Cincinnati and Louisville, and enough materials to make one hundred comfortables to the societies in each of the following towns: Dubuque, Davenport, Iowa City, Muscatine, Burlington, Keokuk, Peoria, Quincy and Springfield, the balance of the cotton will be made up in St. Louis.

The limits of this note will not allow me to enter into a detailed account of the condition of hospitals and regiments, but as soon as possible I will prepare and submit a full report.

I am very respectfully your obedient servant,

ANNIE WITTENMEYER,
Iowa Sanitary Agent.

To the People of Iowa:

The foregoing statement from Mrs. Wittenmeyer, State Sanitary Agent, of the condition of our regiments on the lower Mississippi, is more than corroborated by other various and reliable testimony, all together proving beyond a doubt, that our noble patriots and friends, who have left their homes and all home comforts to maintain the integrity and stability of our government, are suffering most terribly for those very things we are best prepared to supply. Fresh as our soldiers are from home, where they have been accustomed to a varied diet, composed largely of vegetables, they cannot endure the sudden change to hard bread and bacon, day after day, which is alone furnished them in their present situation.

This change of diet, coupled with all the exposure incident to camp life so far South, with long confinement on transports in passing from point to point, is reducing our army ten fold faster than all the assaults of the enemy.

Even those (if such there be,) who have no love for the cause in which those men are enlisted, must feel for so much human suffering and be ready at least, to relieve *that* for humanity's sake.

I therefore call, most earnestly, in the name of humanity and patriotism, upon the whole people of Iowa, to come to the rescue of our suffering and perishing sons, brothers and friends, who have given themselves to their country's cause and are now in such pressing want of assistance. Mrs. Wittenmeyer enumerates the supplies most needed. Let potatoes, onions, butter and eggs go forward in the greatest possible abundance. I have just received a letter from one of our best Surgeons, (Dr. Shaw of the 4th Infantry,) urging the same things, and mentioning also horseradish, prepared in vinegar, and common plum butter as very desirable. We must try not only to relieve the sick, but to prevent sickness, and to do this our soldiers *must* have a greater variety of food. I call upon the people of the whole State.

Let every locality see to the good work through their own local agencies, and do it at once. The emergency is pressing, and does not admit of delay. The season is now such that vegetables may be shipped in safety, and the river is open for their transportation.

All packages, from any part of the State put on board of any of our lines of public transportation, and addressed to

"Mrs. Annie Wittenmeyer, care Partrage & Co., St. Louis, Mo.," will be sure to go where most needed free of charge, or rather the Government will pay the charges.

I confidently appeal to the patriotism, liberality and humanity of the good people of Iowa, that this call be promptly and fully met.

SAMUEL J. KIRKWOOD.

WARNING REFUGEES AND GUERRILLAS

MARCH 23, 1863

From MS. Copy of Executive Journal, 1862–63, p. 367—in the Office of the Governor, Des Moines

EXECUTIVE OFFICE, IOWA
IOWA CITY, March 23d, 1863

To the People of Iowa:

There is good reason to believe that a very considerable number of men, some of whom have been in the rebel army, and others of whom have, as guerrillas, been engaged in plundering and murdering Union men in the State of Missouri, have taken refuge in this State to escape the punishment due to their crimes, and that instead of seeking to merit a pardon for past offences by living peaceably, and quietly among us as becomes good citizens, many of them are endeavoring to array a portion of our people in armed resistance to the laws. And I very deeply regret to say there is reason to believe that some of our people have been found weak enough or wicked enough to aid them in their mischievous designs.

These men, by bold and fierce denunciations of certain

acts of the President and the Congress of the United States as unconstitutional, and by industriously teaching that the citizen may lawfully resist with force what he deems an unconstitutional act or law, and in other ways, are seeking to array such as may be duped and deceived by their artful and wicked machinations into armed resistance to the General Government, and to inaugurate civil war within our limits, thus exposing their dupes to the punishment due to traitors, and our State to the storm of war which has swept as with fire the State of Missouri. These men are endeavoring to induce our soldiers in the field to desert their colors, thus exposing them to the penalty of desertion, which is death; and are endeavoring to induce our citizens to violate the law by resisting the arrest of deserters, and a conscription in this State if ordered, thereby exposing themselves to the punishment due such criminal acts.

It is my duty to, and I therefore do, warn these men that their courses are fraught with peril to themselves and to the peace and good order of the State, and if persisted in to the extremity they intend, will certainly bring punishment; and I also warn all the good people of the State, as they value peace and good order, and would avoid the horrors of civil war, not to be misled by these wicked and designing men, who, having nothing to lose, hope for plunder and profit in the license of civil war. The laws of the General Government *will be enforced* among us at any cost and at all hazards, and the men who array themselves in armed resistance to the laws will certainly be overpowered and punished. As long as those who have sought shelter in Iowa from other States behaved as quiet and peaceable citizens I have

had no disposition to interfere with or molest them, but it cannot be tolerated that these men, who have been compelled to flee from their own State for fear of the punishment of crime committed against the laws of their State or of the United States, should, while enjoying the protection of our laws, be permitted to bring among our peaceful homes and upon our peaceful people all the horrors they have brought upon the State from which they fled. We owe it not only to ourselves and our families, but much more to the families of those who have left us to defend, on the battle field, the life of our country, that we preserve peace and good order at home. It must be a bitter reflection to our gallant soldiers that while they are enduring the hardships and dangers of a soldier's life in defense of their country, bad men at home are plotting to bring upon their unprotected families the dangers of civil war. Moved by these considerations I have this day notified the proper authorities of the United States and of the State of Missouri, that many criminals against their laws are now in Iowa, engaged as I believe in inciting rebellion and that I shall insist upon their arrest and removal where necessary, and their trial for their crimes, if their conduct shall continue to be such as is dangerous to the peace and safety of the State; and I enjoin upon all good citizens who know that such men are among them that they especially notice their demeanor and conduct and if it be seditious and dangerous, that they furnish the United States District Atty. or the United States Marshals, or either of the Congressional District Provost Marshals to be appointed, or myself, with their names, and affidavits, showing their criminality before

coming to this State, and their conduct since, to the end that our State may be relieved of the danger of their presence.

SAMUEL J. KIRKWOOD.

REQUESTING INFORMATION

MARCH 23, 1863

From MS. Copy of Executive Journal, 1862–63, p. 369—in the Office of the Governor, Des Moines

EXECUTIVE OFFICE IOWA
IOWA CITY, March 23, 1863.

To the Officers and Soldiers of Iowa Volunteer Regiments:

I have reasons to believe that efforts are being made by disloyal men in this State, to induce desertions from your ranks; and that to effect this object, letters are written and procured to be written to soldiers from this State, in which false statements are made, with persuasions to the soldiers to desert, and promises of protection against arrest at home. Many arrests have been made in this State, and they will continue to be made until all have been arrested. The men thus deserting, are as you know liable to the severest penalty, but they are really less guilty than those at home, who advise and persuade to the commission of the crime.

In order that those at home, who are the greatest criminals may be also punished, I earnestly request that you will use the utmost diligence to procure and forward to me all letters written by persons in this State counseling desertion, and all information you may have upon that subject to the

end that prompt and efficient measures may be taken to prevent the further commission of this crime by the punishment of those who have been guilty of it.

SAMUEL J. KIRKWOOD.

TO THE ARMY OF THE TENNESSEE

JULY 11, 1863

From the MS. Copy of Executive Journal, 1862–63, p. 401—in the Office of the Governor, Des Moines

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EXECUTIVE OFFICE, IOWA
IOWA CITY, July 11th, 1863.

To the Soldiers of Iowa in the Army of the Tennessee:

You have passed through one of the most memorable campaigns of history, and are now rewarded for all your toil, privation and suffering by beholding the foul emblem of treason trailed in the dust, to give place to the glorious Banner of Liberty, over the City of Vicksburg.

The eyes of the world have been upon you and your brave and worthy comrades from other States, in admiration of your fortitude, patience and indomitable bravery, watching the progress of your work, as one of those great events which shape the destiny of a nation.

You, yourselves, have probably been unaware of the momentous results consequent upon your failure or success. Despots, the world over, have earnestly desired the former, while the good, the generous and the nobly brave have prayed Almighty God to give you the victory. But while the world has been thus observant of you, all lovers of

liberty in Iowa, have beheld with an intensity of gaze unknown to others, the deeds of her valiant sons.

Many thousands of her citizens are bound to you by kindred ties, while every one has felt that the name and standing of this State were in your hands, that he was honored in your honor and shared in your glory.

The brightest hope of all is realized. You have not only fully maintained the lofty reputation of your country and your State, but have added greatly thereto, and shown to the world that whoever insults the flag of our beloved country, must meet the bravest of the brave.

The State of Iowa is proud of your achievements, and renders you her homage and gratitude, and with exultant heart claims you as her sons.

Her tears flow for the brave men fallen, and her sympathies are warm for the sick, wounded and suffering.

You have made it a high privilege to be a citizen of Iowa to share your renown, and it will be a proud remembrance to you while life shall last, and a rich legacy to your children that you were members of the Army of the Tennessee.

SAMUEL J. KIRKWOOD.

ON THE GENERAL ELECTION

AUGUST 29, 1863

From Original MS. Copy in the Office of the Secretary of State, Des Moines

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To all to whom these presents shall come Greeting

Whereas it is by an act of the general assembly of the State of Iowa made the duty of the Governor at least thirty

days before any general election to issue his proclamation designating all the offices to be filled by vote of all the electors in the State, or by the electors of any Judicial District.

Now Therefore I Samuel J. Kirkwood Governor of the State of Iowa do by this my proclamation publish and declare that at the next general election to be held in this State on the Second Tuesday of October next, the following offices are to be filled to wit:

The Office of Governor

The Office of Lieutenant Governor

The office of Judge of the Supreme Court

Also the office of Senator in the 17th Senatorial District composed of the county of Keokuk to fill the vacancy occasioned by the absence of Hon. G. P. Tetor in the service of the United States.

Also the Office of Senator in the 31st Senatorial District composed of the county of Jones to fill the vacancy occasioned by the removal of Hon William H. Holmes therefrom

Also the Office of Senator in the 15th Senatorial District composed of the County of Muscatine to fill the vacancy occasioned by the resignation of Hon. William G. Woodward

Also the office of Senator in the 42d Senatorial District composed of the County of Winneshiek to fill the vacancy occasioned by the absence of Hon. M. V. Burdick in the united States Service

Whereof all citizens and officers concerned and particularly the Sheriffs of the several counties will take notice and be Governed accordingly

In Testimony whereof I have hereunto set my hand and affixed the great seal of the State of Iowa. Done at Des Moines this 29th day of August A (SEAL) D 1863, of the Independence of the united States the Eighty Eighth, and of this State the Seventeenth

SAMUEL J. KIRKWOOD

BY THE GOVERNOR

JAMES WRIGHT, *Secretary of State*

TO FILL VACANCIES IN THE SENATE

SEPTEMBER 11, 1863

From Original MS. Copy in the Office of the Secretary of State, Des Moines

Whereas vacancies have occured in the following Senatorial Districts in the State of Iowa Towit:

The fifth Senatorial District composed of the counties of Wayne, Lucas, and Clark, occasioned by the absence of Hon. W. S. Dungan in the U. S. Service.

The fifteenth Senatorial District, composed of the County of Muscatine, occasioned by the resignation of Hon. William G. Woodward.

The Seventeenth Senatorial District composed of the county of Keokuk, occasioned by the absence of Hon. G. P. Teters in the Service of the United States.

The Twenty-first Senatorial District composed of the counties of Madison, Dallas and Adair occasioned by the absence of Hon James Redfield in the service of the united States.

The Twenty Seventh Senatorial District composed of the county of Jasper occasioned by the absence of Hon. S. G. Smith in the Service of the United States.

The Thirtieth Senatorial District composed of the county of Jones occasioned by the resignation of Hon. William H. Holmes.

The Forty-first Senatorial District composed of the county of Winneshiek occasioned by the absence of Hon. M. V. Burdick in the service of the United States.

Now therefore I Samuel J. Kirkwood Governor of the State of Iowa by authority in me vested do by this my proclamation publish and direct that on the Second Tuesday of October next (The day upon which the general election is held) an election will be held in the said Senatorial Districts for the purpose of filling such vacancies.

Whereof the Electors of Said Senatorial Districts will take due notice and be governed accordingly

In Testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa. Done at Des Moines this the
(Seal) Eleventh day of September in the year of our Lord One thousand Eight hundred and Sixty three.

Samuel J. Kirkwood

By the Governor

James Wright, *Secretary of State*

OFFERING A REWARD

SEPTEMBER 28, 1863

From MS. Copy of Executive Register, Vol. II, p. 227—in the Office of the Secretary of State, Des Moines

EXECUTIVE OFFICE, IOWA, September 28th, 1863.

Whereas Alonzo Sherman a Citizen of Clayton County Iowa was murdered on the night of the 21st instant near the Town of McGregor in said County; And whereas the persons who committed said crime remain unarrested;

And whereas their names are unknown to the proper authorities:

Now therefore I Samuel J. Kirkwood Governor of the State of Iowa do hereby offer a reward of five hundred dollars for the discovery, arrest and conviction of the persons who have committed said crime.

Done at Des Moines this 28th day of September
(L S.) 1863.

SAMUEL J. KIRKWOOD.

BY THE GOVERNOR

JAMES WRIGHT, *Secretary of State*

CALLING FOR TROOPS

OCTOBER 26, 1863

From the Iowa City Republican, Vol. XIV, No. 779, Oct. 28, 1863

STATE OF IOWA,
EXECUTIVE OFFICE, Oct. 26, 1863.

The President of the United States has called on this State for her quota of three hundred thousand men to fill

the ranks of our veteran regiments, and has appealed to me and the people of this patriotic State to see that the men are promptly furnished, as volunteers, before the 5th day of January, next. A draft will be made on that day to make up any deficiency.

I am informed by the Provost Marshal General that the quota of the State of Iowa under this call is 8,910. I shall endeavor to have proper credit given for volunteers raised during the last quarter and those now raised for the 9th cavalry and the 4th battery.

The recruiting officers for the different counties will soon be announced by the Provost Marshal General's Department.

The inducements to the recruits are set forth in the different orders, &c., which will be herewith published. In addition to these the recruit for an old regiment will serve under officers of experience, in camp and field, who know what is needed by the men, and how, promptly, to obtain it, and thus make the men comfortable.

Besides all this, the recruit will have the satisfaction and honor of belonging to a regiment which has earned a reputation—a regiment that has pride in its history, in maintaining the honor of the State, and has the confidence of superiors. He will be associated with men who have learned to repose confidence in themselves and who will quickly impart the same confidence to their new associates.

The new recruit will have the privilege of selecting the regiment which he will join, and by the time the term of service of some of the regiments expire, will have become educated in his duties and have a chance for promotion.

I hope the men of Iowa will promptly meet this call.

Our State has hitherto always been in advance of all calls made upon her. Shall she still keep in the advance? Shall we cheer the hearts and strengthen the hands of our brave boys in the field, by filling the ranks of the gallant regiments which have been fighting for their country and the flag of the Union? Let us give to the United States officers all the assistance in our power to aid them in their efforts. Let counties, towns and individuals vie in their efforts to meet the demands of the General Government. Let us all work for this end. Let us give freely of our time and means to promptly fill our quota.

My term of service as Governor of this State will soon expire, and it would be to me a source of profound gratification if the State should meet promptly this, as it has met every other call during my term of office.

SAMUEL J. KIRKWOOD,
Governor of Iowa.

ON THANKSGIVING

NOVEMBER 2, 1863

From MS. Copy of Executive Register, Vol. II, p. 236—in the Office of the Secretary of State, Des Moines

In accordance with the Proclamation of the President of the United States, and time honored usage, I, Samuel J. Kirkwood, Governor of the State of Iowa, do hereby appoint Thursday, the 26th inst., as a Day of Thanksgiving, Prayer and Praise to Almighty God, for His manifold mercies to us as a people, during the year that is past.

Let us thank Him for the great victories of our arms over the foes of civil and religious liberty.

Let us thank Him for the heroism, fortitude and enduring patriotism of our people, as shown by our soldiers in the field, and by our people at home, in their unshaken determination to preserve the glorious institutions of our fathers unimpaired, for themselves and their children after them.

Let us thank Him that our domestic peace has been unbroken, and the first budding of internal violence has been quickly crushed, without the shedding of human blood.

Let us thank Him for the general health and prosperity of our people, while we remember with earnest prayer and liberal hand the widow and the fatherless, victims of this cruel and wicked war.

Let us repent of our manifold sins as a people, for which we are now experiencing His chastisements, and humbly implore His gracious spirit to turn us therefrom, and His pardoning grace for that which is past, that we may cease our haughty pride in our greatness and prosperity, and may recognize Him as the author of "every good and perfect gift" that we may cease to oppress the "poor and him that hath none to help," that we may remember that "righteousness exalteth a nation, but sin is a reproach to any people," and that peace may again soon prevail in all the borders of our once happy land.

In Testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa.

Done at Des Moines this 2nd day of November

(Seal) in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the united States the Eighty Eighth, and of this State the Seventeenth.

Samuel J. Kirkwood.

By the Governor

James Wright, *Secretary of State*

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